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the 1990s, the number of people in the world who are under 15 years of age is expected to increase by 1.5 billion (United Nations 1994).

There is a growing awareness of the need to address the needs of children in the world, and the United Nations has developed a number of initiatives to address this. The United Nations Children's Fund (UNICEF) has been established to provide humanitarian and developmental assistance to children and mothers in developing countries. The United Nations Development Programme (UNDP) has been established to provide technical assistance and financial support to developing countries. The United Nations Population Fund (UNFPA) has been established to provide technical assistance and financial support to developing countries. The United Nations World Food Programme (WFP) has been established to provide food assistance to people in need.

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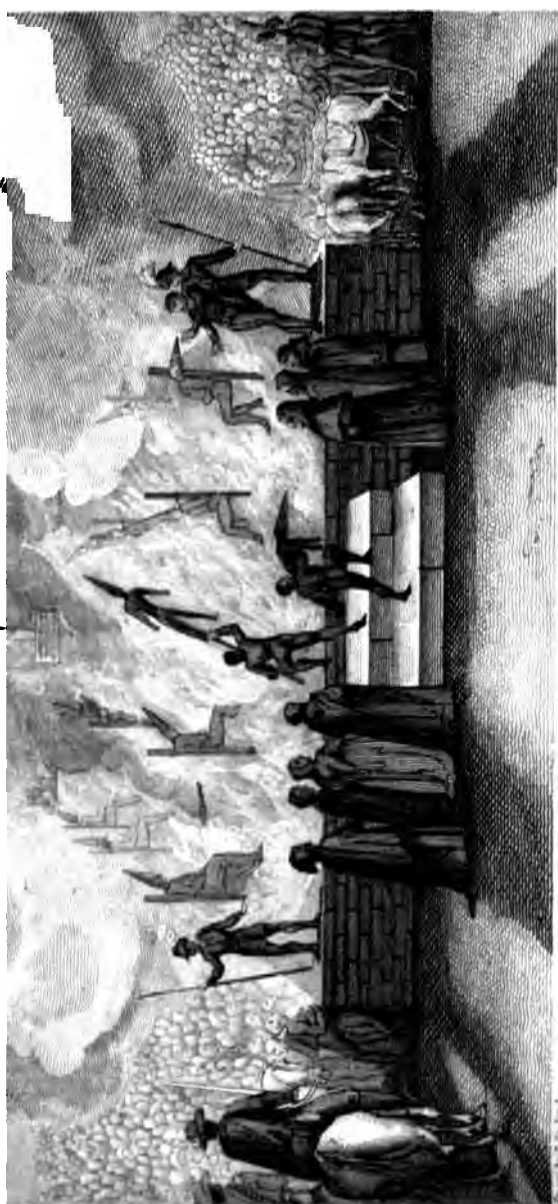
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THE
INQUISITION UNMASKED:

BEING

AN HISTORICAL AND PHILOSOPHICAL

ACCOUNT

OF THAT

Tremendous Tribunal,

FOUNDED ON AUTHENTIC DOCUMENTS;

AND EXHIBITING

THE NECESSITY OF ITS SUPPRESSION,

AS A MEANS OF REFORM AND REGENERATION.

WRITTEN AND PUBLISHED AT A TIME WHEN THE NATIONAL
CONGRESS OF SPAIN WAS ABOUT TO DELIBERATE ON
THIS IMPORTANT MEASURE,

BY

D. ANTONIO PUIGBLANCH.

TRANSLATED FROM THE AUTHOR'S ENLARGED COPY,

BY

WILLIAM WALTON, Esq.



VOL. I.

LONDON:

PRINTED FOR BALDWIN, CRADOCK, AND JOY,
PATERNOSTER-ROW;
AND J. BOOTH, DUKE-STREET, PORTLAND-PLACE.

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TO
HIS ROYAL HIGHNESS
THE
DUKE OF GLOUCESTER,
&c. &c. &c.

THE exalted manner in which Your Royal Highness has ever been distinguished as the active friend of humanity, and the zealous advocate of liberal principles in every quarter of the globe, has made me desirous of obtaining Your Royal Highness's patronage for the English edition of a work which most contributed to overthrow the Inquisition in Spain—an occurrence more remarkable, if not so interesting, as the abolition of the Slave Trade in our own country; for though the victims of the one were fewer, its theory and practice were no less shocking to humanity than opposed to the moral acquirements of the day.

No one would have rejoiced more cordially than Your Royal Highness if that triumph had been lasting: still the annals of the event, and the means by which it was achieved, are subjects of the deepest interest to every one, and must be particularly so to Your Royal Highness. This consideration alone has induced me to solicit the present honour, which, whilst it confers on me an obligation, affords me the opportunity of expressing the profound respect and veneration with which

I am

YOUR ROYAL HIGHNESS'S

Most obedient and humble Servant,

WILLIAM WALTON.

Oct. 1, 1816.

TRANSLATOR'S

PRELIMINARY REMARKS.

IN contemplating the rapid growth of the free principles which, like a volcanic eruption, burst forth from the French revolution, it was prophetically observed, "that Church Power (unless some revolution auspicious to priestcraft should replunge Europe in ignorance) would not survive the nineteenth century;" and certainly no political prediction was ever nearer its accomplishment, when the late events in the Peninsula opened upon us. At the time Napoleon had matured his plans for the invasion of Spain, that country exhibited the most abject state of political and religious torpor and debasement, and the people had acquired a settled habit of passive obedience and slothful profligacy, from which it seemed impossible to rouse them. A principle of degeneracy had spread over the general face of public manners; the mass of the nation, immersed in ignorance and superstition, represented the picture of a people neither knowing their faculties nor their wants; and, such had been the system and successful efforts of their rulers, that, far from promising any thing of that courage and perseverance which afterwards impelled them manfully to resist the insidious invasion of an enemy, their

energies appeared to have so much crouched under the dark shade of despotism, as to induce little hope that their imminent danger, or the stimulus of a foreign alliance, would be able to make them act on the impulse of national resentment, or rouse them to repel the wrongs and indignities with which they were assailed.

Charles IV. a weak and inactive prince, had then governed about eighteen years ; but, subservient to an intriguing and dissipated wife, and guided only by a corrupt and ambitious minister, his reign had been distinguished by no act that could endear his name to posterity, or tend to solace the reverses of fortune which awaited him. On ascending the throne, he found that despotic and illiberal system in force which had gradually extinguished the martial spirit of the nation, overturned the free principles and constitutional charters possessed by most of the provinces prior to the reign of Philip II., and broken down the bulwarks of civil freedom, so long the peculiar boast of Aragon and Navarre. Unaware of that evident truth, that the safeguard of a monarch's throne is founded on the love he inspires and the good he has done, the preceding rulers of Spain had erected their power on the ignorance of their subjects and the degradation of the human mind ; and Charles, devoid of sufficient energy or discernment to deviate from the footsteps of his ancestors, was seemingly fearful of placing his kingdom on a level with those which had profited by the improvements of the age. Acting in the fullest sense on the principle that sovereignty is of divine institution and that the people possess no rights, the cultivation of those arts which embellish, ennoble, and preserve human life had been prevented ; the enjoyment of those studies which enlarge the faculties,

assuage the fiercer passions, and soften the manners of a nation, had been proscribed ; till at last, absurd prejudices, taught in the schools and preached from the pulpit, had led the mass of the people to believe that civil liberty, instead of a blessing, was a curse ; and that to pronounce its name was a crime punishable with the severest anger of Heaven.

The remembrance of the proud days of Spain seemed obliterated—enterprize and martial glory had lost their attractions—the possession of the new world had introduced effeminacy ; riches, acquired without toil and divided only among a few persons, had engendered habits of luxury and corruption, whilst it appeared to be the chief aim of the court and nobility to forget the exalted and dignified character formerly attached to the Spanish name, and to cause the nation to assume no other than the supple and frivolous refinements of Italian manners introduced by the queen. Hence the arts and sciences, which had made so rapid a progress in other parts of Europe, were stationary in Spain, or only pursued in the greatest seclusion ; nor were any other improvements attempted than those which the caprice or passions of a profligate minister thought proper to dictate. Thus, whilst the retainers of the crown wallowed in riches, their tenants and all the lower orders were depressed by indigence, and debased by a total want of instruction ; nor did the scanty produce of their labours seem their own, it served rather to feed the pampered appetites of their lords, or to be absorbed in the monastic burdens of the state. The public revenues, destined for the defence or melioration of the country, were spent in ostentatious magnificence ; often wrested from a wretched peasantry or the shackled and unprotected merchant, they were la-

vished by the hand of fanatical zeal, or appropriated to support the luxury of men in power. A handful of privileged nobles and favourites were every thing, and the people nothing. Consideration, power, with enjoyments of every kind, fell to the lot of the former, whilst the latter had to endure hardships, contumely, and servile obedience, without being allowed to remonstrate. Neither talents, courage, nor virtue, could fill up the immense distance placed between the only two existing classes of the community.

Religion itself had been made subservient to political purposes and base and selfish interests, or was only known by the increasing profligacy of its ministers. The legislative, executive, and judiciary powers, were held by the same hand—the administration of justice confided to venal minions—the judges, under regal or ministerial influence and open to corruption, were no longer the protectors of right and innocence against unfeeling and unprincipled power; whilst a systematic plan of superstition and pious fraud had poisoned all the sources of religious truth and morality, and tainted the general mass of society with licentiousness and vice. The preposterous union of civil with ecclesiastical authority had armed the ministers of the altar with weapons of vengeance, and empowered them to enforce their precepts by appealing to a penal code the most monstrous and cruel that was ever invented. In brief, bent down by a long series of tyrannic acts, even at the beginning of the present century, Spaniards appeared as a herd of cattle, formed only to comply with the caprices of their masters, and to supply their wants.

Nor was this state of things confined to European Spain. In the discoveries of the great Columbus every thing liberal was under a general interdict, and

a similarly degraded and benighted system existed in defiance of reason and reiterated remonstrances. The pressure of laws the most restrictive was there severely felt by the community; the various sections were compelled to endure the galling trammels of a government in which the inhabitants had no share, and against which they could not appeal—a government wielded by men foreign to their interests and enjoying the emoluments of extortionate acts, at the same time that they were stained by every species of fraud and corruption. The people were thus held submissive to rapacious and vindictive tyrants at whose pleasure the laws were either superseded or perverted; nor did they possess any means of counteracting the dark and dishonest intrigues of men sent among them for the sole purpose of improving their fortunes in a given period of time, and consolidating a conquest which had been one continued series of indiscriminate war and plunder, whereby the country was wrested from its ancient possessors and their descendants.

Such was the picture exhibited by the Spanish monarchy, when the ruler of France threw off the mask of friendship, and entrapped the several members of the Royal Family. The nation was without fleets, armies, treasury, or arsenals; public credit was extinct; a considerable debt had accumulated; the press was broken; the strongest fortresses were already in possession of the enemy; and, as a leading Spanish statesman of the day observed, “one of the most fatal symptoms under which the revolution of Spain early appeared, and which generally gave rise to the most sad prognostics respecting the issue of a resistance to the immense power by which the country was invaded, was, that the reputations of all had been

rendered suspicious to the nation. The private council of the King, his ministers, the superior tribunals, the council of state, finally, every public man at that time placed in the higher hierarchy of government, had lost the confidence of the people." *

In such a situation, how then was it possible to render the Spanish nation effective, and capable of repelling the numerous armies by which it was attacked, when, besides, its leading characters, chiefly the nobles or higher orders of the clergy, had already joined the enemy? How was it possible to suspend, if not remove, the deadly effects of a despotism that had chilled the finest feelings of the heart, and enervated the best qualities of the mind? How was it possible to find resources for the tremendous struggle about to ensue? Certainly this was only to be done by reform, by reviving the fallen spirits of the nation, and by giving to it a form of government legal, popular, and substantial. Sunk from her rank in the scale of nations, exhausted and invaded by a powerful foe, it was necessary for Spain to emerge from the debased state into which she had been plunged, and to dispel the dark gloom in which her inhabitants had been so long enveloped. It was essential to rouse and to inspire energies and confidence. And was this to be done in any other way than by assembling the Cortes, the ancient representative government of the Country, enthusiastically revered by all the least versed in the annals of Spanish history, and of which the nation had only been deprived by despotic and arbitrary power?

In seeking, therefore, to re-establish the liberty and independence of the nation in a legal manner, it was

* Memoria de Azanza y O-Farrill, sobre los hechos que justifican su conducta política, desde Marzo de 1808, hasta Abril, 1814.

necessary to recur to the ancient legislation of the realm, and to examine the fundamental statutes of Aragon, Navarre, and Castile. In the grand charter called the *Fuero Juzgo*, which regulates the rights of the nation, king, and people, the sovereignty of the latter is expressly laid down; and one of its principal clauses ordains that the crown is elective, and that no king can reign till he has been acknowledged by the bishops, grandees, and people, that is, by their representatives. It further establishes that the laws are to be enacted by the delegates of the people, conjointly with the king, and that the latter has no authority but in conformity to the laws. The principalities of Aragon, Navarre, and Castile, had their respective Cortes or parliaments, which made laws, declared war, and granted money. These bodies constituted the legislative, and the king the executive authority.

In Aragon, whose institutions were freer than those of Castile, the laws were anciently promulgated with this remarkable heading; "*The King, by the will of the Cortes, ordains,*" &c; and in 1283, under Peter III. it was decreed "that the king should assemble the Cortes once in each year." Another more recent law enacted by John II. in 1418, is as follows. "Whereas in the arduous cases occurring in our kingdoms, the advice of our subjects and people is necessary, especially of the representatives of the cities, towns, and districts of our said kingdoms, wherefore we ordain and command that respecting all great and arduous emergencies, Cortes shall be assembled, and measures adopted through the counsel of the three estates of the realm, as the kings our predecessors did." *

* Vide *El Especulo*, Ley 5, Tit. 16, Lib. 2.—Also *Leyes de Castilla*, Ley 3, Tit. 15. Part II., et alibi.

Numerous other passages of a similar nature might be quoted from the fundamental statutes of the realm, tending to prove that, during the prevalence of national calamities, or when the monarch died leaving his son under age, not only custom but the laws themselves prescribed that the lost authority should be replaced by a meeting of the popular representatives, the result of whose deliberations should have the force of law. So sacred even in Spanish legislation and history had been that same principle which placed the Brunswick family on the throne of England, and so well established the acknowledged axiom of the chief magistrate holding his authority from the people, that, in 1452, John II. of Aragon was deposed by the Cortes, as well as Henry IV. of Castile in 1465, in consequence of his mal-practices and administration. Under the minority of John II. the Cortes of Toledo deliberated whether the crown ought not to be transferred to his uncle Ferdinand, in which case the deputies of the nation founded themselves on the right of rejecting or attainting the king, whenever he had given sufficient room for such a measure.

True it is that the despotic efforts of successive monarchs, as well as the ignorance of the times, had shrouded the ancient usages of the realm in obscurity, and its fundamental statutes were known only to the learned few; but still they existed and were on record, notwithstanding the late governments had purposely prohibited the perusal of the history of the Cortes, as well as of every thing else that could remind the nation of its primitive rights. The original constitutions of the various provinces were scarcely to be found but in the secluded archives or in the works of old commentators, nevertheless they had not been repealed, nor was there any act on the part of the people by which they had been alienated or abandoned. Since the

time of the Emperor Charles V. and his immediate successor, they had not indeed been in actual force, but oppression and arbitrary power alone had caused their exercise to cease.

Hence it appears that the assumption of despotic power by Spanish kings evidently had grown out of an abuse of authority ; if so, the people were doubtless authorized to claim that of which they had been forcibly dispossessed, and to fix such limits to the power exercised over them as their happiness required. Our own political writers have ever been proud to maintain that, in order to prove civil obedience to be a moral duty and obligation on the part of the subject, a compact must exist between the latter and the state, as a ground for the relations of both. In no other than this compact can the rights of monarchs originate ; nor is Spain an exception to the general rule, since government can only be instituted for the benefit of the community and not of the individual. Kings, consequently, are no other than the trustees of the people, " whose rights " as Lord Lansdowne observes, " are born with every man in every country and exist in all alike, despotic as well as free, though they may not be equally easy to recover in all."

No further commentary is necessary to explain and substantiate the particular point in view, viz. that under the peculiar dilemma in which the Spanish monarchy was placed at the time referred to, no form of government but that of the Cortes was legal, adequate to the existing emergency, capable of giving that union and energy necessary to the health of the body politic, and of introducing a reform such as the country urgently required. It is moreover clear that it was conformable to the dispensations of the ancient and

fundamental statutes of the realm, such as they existed in the proudest days of Spain, when the leading and material parts of national legislation were enacted by the general suffrage of a free people. That the adoption of the measure answered the end in view, as far as the circumstances of the country would admit, is proved by the result of the war, and the manner in which the political aspect of the country was changed. The efforts of the new legislature would certainly have been crowned with a much larger portion of success, if its labours had been seconded by more cultivated habits and regular and correct ideas on the part of the people at large; had they been supported by a national sense of subordination, enlightened integrity and disinterestedness; and above all, aided by those characteristics arising out of a discreet system of education, moral, political and religious, which can only be the work of time. During the short existence of the Cortes, the structure and symmetry of the political edifice had nevertheless assumed a totally different aspect, the strength of the nation was invigorated, its revenues more than doubled, a spirit of investigation and free inquiry was encouraged, a better administration of justice organized, and, aided by good schools and the liberty of the press, a proper influence and tendency would rapidly have been called forth to form those habits and principles of action which regenerate and give power and effect to a more enlightened order of things.

The new system of legislation, adopted and promulgated by the Cortes, possibly required some alterations and improvements; in some partial cases it might have been theoretical, and the government thereby established was perhaps not exactly such as it was

desirable to attain. But, on emerging from a most abject state of degradation, and amidst the din of arms and revolutionary confusion, how was it possible for perfect wisdom immediately to prevail? Wisdom does not dwell among ruins and tempests; and the transition from despotism to liberty is never the season for absolute perfection. In periods of popular effervescence and national distress, heightened by infuriated superstition and a degeneracy of the moral faculty, it was difficult to cause the passions entirely to subside, or to soothe the exasperated feelings of the disappointed. It was an arduous task to restore perfect order amidst the incursions of a powerful and active enemy, and to introduce a protecting and fostering system of policy on the ruins of that restrictive and oppressive one which had wearied the pride and patience of the people for a long series of years, when many of the powerful from interest and a blinded prejudice were besides opposed to a change. A restless commotion existed in Spain, though greatly moderated by the general object of self-defence, and the human passions can never be let loose, however partially, without producing some ravages and exacerbations. In the collision of parties, blind fury, moreover, is not apt to discriminate or appreciate the labours of the legislator, particularly if they wear the aspect of novelty.

Such, in fact, is the sad lot of all nations, and if it was the case in Spain, the fault cannot be attributed to the Cortes. As a body, they proved themselves faithful to their allies in the momentous cause in which they were engaged, and to the last acted as the firm advocates of the people's rights and the guardians of their country's honour. They gave the first impulse and unerring direction to those efforts, which so

greatly contributed to the common cause; as legislators they have left a monument of their enlightened zeal and practical capacity in the new national code of laws, and if they had done no more than effect the destruction of the Inquisition, the main object at present in view, most assuredly they would have deserved the warmest gratitude of posterity.

If the excellence of laws, or even their comparative merit, is to be known by the more beneficial effects they produce on the community, may it not be asked whether any contrast can be formed of the situation of Spain prior to the revolution, and the period when the authority of the country was administered by the new legislature? The enactments of that august body brought about a salutary alteration in all ranks of society, and a most important improvement was soon perceptible in the government as well as the people. The state and general structure of society, as well as the relative situations of the community at large, acquired a new bias; the principles of modern science were introduced; and the lower orders, hitherto precluded from those pursuits which sweeten and embellish civilized life, now found the means of protection, redress, and advancement; and for the first time felt that they were free members of a society governed by definite laws, and no longer condemned to drag the miserable existence of feudal vassals.

The people of Spain, at the time to which we allude, undoubtedly considered reform as the second grand object for which they were fighting: this alone rendered their country worth defending, and it is evident from subsequent events, that had they conceived the most distant idea of a return to their ancient degradation, and that as a reward for all their exertions they were again to become the objects of incessant

violence, the bright and animating flame which burst forth on the opening of their glorious struggle would have been extinguished, and early despondence rendered general. It was the hope and growing operation of this reform that then produced a greater combination of energies; and under the administration of the Cortes Spain was fast confirming the political axiom, that in human nature there is a reforming principle which ultimately corrects and amends degeneracy; and that nations often pass from a state of vicious effeminacy and mental torpor to an enthusiasm that gradually regenerates every virtue.

This much has been premised respecting the late Spanish Cortes, in the first place, for the purpose of evincing that under the existing emergencies of the country this was the only legal and efficient form of government that could be resorted to; and in the second, that this was the only constitutional authority that could revive the ancient laws and charters, restrain future monarchs within the circle of their duties, and, above all, introduce that spirit of reform and regeneration so essential to the welfare of the state. How great was the task that devolved upon them may be inferred from the situation of the monarchy as sketched in the first pages of these Remarks; but that they complied with their obligations to the best of their power, and to the satisfaction of their constituents, will readily be acknowledged by those who marked the events of Spain as they passed, and particularly by the British worthies who had so ample a share in her eventual liberation.

Out of a Gothic and massive system of jurisprudence, the Cortes selected and arranged a plan of laws capable of diffusing as much happiness and civil liberty as the inevitable circumstances of the times

would admit, and, as they hoped, competent to the correction of its own vices and abuses. This code was placed within the reach of every individual, and the Spanish people who before had depended on the will of the king or his minister, for the first time were enabled to judge of the nature and tendency of those laws which formed the basis of the society to which they belonged. This code was enthusiastically hailed by every district, town, and corporation where the arms of France did not hold sway; and though in the provinces its institutions were sometimes perverted, yet, founded on principles intrinsically just, it was not the less entitled to veneration on this account, or because it partook of that imperfection inseparable from the noblest contrivances of the human mind, particularly when unaided by the sanction and experience of time. Few countries, if any, have witnessed a more unbiassed election than that which brought together the late Cortes of Spain: if so, their laws were, as far as was possible, enacted by the common consent of the community, for the preservation and felicity of the whole. They were not directed to promote that proud and surly independence which renders man inattentive to the wants of others, or to establish that impracticable equality in situation and circumstances which overturns the most endearing relations of life; but they defined the power of the king and the rights of the subject, and then inculcated a sense of duty and obedience to those statutes and principles of subordination, in which, as individuals, the enactors found their own happiness and security were materially involved, whilst at the same time they preserved the real dignity of the throne.

The new constitution of Spain undoubtedly infused a larger share of civil freedom than had been known

In the Peninsula for a long period of years, but this was consonant to the ancient spirit of Spanish history, and founded on the progressive improvements and mental illumination of the age; for, after the intercourse the people had enjoyed, to have endeavoured to retain them in their past degradation would have been similar to an attempt to shut out the broad daylight, and to defeat the principal object of a revolution that had commenced under the most propitious auspices. It was not because liberty had degenerated into licentiousness in a sister kingdom, that it could be concluded it was dangerous or unfit for Spaniards. In the mass of the people education had certainly much to perform, but there was no dread of a restoration of rights giving rise to those internal calamities which in France were so much attributable to the abuse of the press. As well might we deplore the falling of the rain that fertilizes the face of nature, because it frequently produces torrents and devastation; or pronounce the vital principle of air to be a bane, on considering the wrecks and ravages of a hurricane or a whirlwind. No, the partial infelicity and opposition to the new constitution of Spain can never destroy the general principles on which it was founded; and the past and present situation of the country loudly proclaim that, on the whole, it was far too useful and too beneficial to have been abandoned, unless it can be proved that nations are better without, than with laws.

If then it seems undeniable that the Spanish Cortes, in their labours for the regeneration of the State, exercised that moral force placed in their hands, with a view not only to restrain the effervescence of such passions as ignorance and misfortune are too apt to engender, but also to give strength and unanimity to the efforts of the nation, through the introduction of

a more enlightened system of policy, it may easily be imagined that they were fully sensible of the religious depravity which reigned among all orders, and strongly convinced of the urgent necessity of a reform in this particular. Religion has always been considered as the firmest bond of social union; and possessing also a powerful influence on the manners of the community at large, the laws enacted respecting it must consequently be ranked among the most important labours of legislation. In the whole of the Spanish Monarchy, little was to be found of the peculiar characteristics of the christian religion, such as it was inculcated by its first teachers. No where was to be seen the genuine practice of those moral precepts, naturally productive of a virtuous, uniform, and consistent character. Nothing was to be seen of that mild and animating principle which, remote from worldly interests and ambition, whilst it captivates, exalts and ennobles our views, fixes and strengthens our conviction, and inspires pure and correct motives of action.

Almost in vain did we seek for that benign and transcendent influence which promotes the welfare of our fellow-creatures, and secures the happiness of the individual as well as of society in general. A religion holding forth the most effectual inducements to virtuous actions, and conspicuous in the earlier ages of Christianity, in Spain bore along with it all those baneful and horrid forms of vice with which its practice is dishonoured and polluted. It had been debased into pageant superstition, mental wanderings, hypocrisy, fraud, and deceit, constituting rather a public display of abuses which pervert, and of follies which disgrace, the human intellect. Instead of possessing charity as its basis, it had been supported by merciless

proscriptions, defended by unjust severities and intolerant enactments, taught by examples of judicial wrath ; and that wise and benevolent connexion that exists between the creator and the created had been converted into a glaring innovation on the first principles of nature, and used in a manner subversive of those fundamental rules which unite men in society.

And to whom had the guardianship of this religion been confided ? To the Inquisition !

Ce sanglant tribunal,
Ce monument affreux du pouvoir monacal,
Que l'Espagne a reçu, mais qu'elle même abhorre,
Qui venge les autels, et qui les déshonore ;
Qui, tout couvert de sang, de flammes entouré,
Egorge les mortels avec un fer sacré.

A tribunal interwoven with every thing great and powerful in the state, engrafted on the strongest prejudices of the people, vested with a form and object equally as awful and sacred as the reality of the religion it professed to defend, entrusted with unbounded authority, covered with honours, and, in short, considered as of divine origin by a large portion of the people, and as one of the firmest pillars of the state by their rulers. To such a court, presided over by men often seen in pursuit of every lawless indulgence, every licentious practice, which the violence of distorted imagination aided by power and opportunity had been able to suggest, was the commission given to compel man to a fellowship of worship by the faggot and the stake ; to sport with and insult the genuine feelings of the wounded mind, and to diffuse dismay and submission among the multitude.

When the sincere friend of humanity, in whose heart education has engraved the horror of injustice and solicitude for the happiness of mankind, casts his

eyes on the crimsoned pages of the Inquisition, and beholds its black code under the authentic form now laid before the British public, he will be astonished at the duration of such an establishment, and will wonder that, even in Spain, it was not long ago levelled to the ground by the rude hand of popular discontent, or crushed under the just indignation of its numberless victims. The mind is lost in painful reflection, on seeing this tremendous empire of terror charged to superintend a religion, whose author exhorted his disciples to diffuse the knowledge of his gospel and extend its influence, by a bright display of its reforming power upon themselves: nor is it possible to conceive a greater outrage on that divine system of worship transmitted to us by a beneficent Creator.

That the existence of such a huge monument of power and fanaticism should be considered as not only inimical to civil liberty, but also preposterous in the administration of a state, was to be expected from the nature and early features of the Spanish revolution, and the known character of some of its leaders. The repeated struggles of the nation to dislodge this tribunal, as well as the revolting acts it had so frequently committed, were fresh in the memories of many; and others were besides sensible that to make man amenable to the tribunals of justice for sentiments originating in and confined to his own breast, without having committed any trespass against another, is a surrender of rights never contemplated in the object of society. Early therefore did the destruction of the Inquisition enter into the patriotic views of those who had the honour and well-being of their country at heart; but, besides the hopes of reform, they were impelled by another powerful motive. Ever subservient to the will of despots (one of the

main points proved in the accompanying work) the Inquisition had promptly espoused the interests of the invader of Spain, and rendered itself traitorous by the active manner in which its influence was used to suppress all resistance on the part of the people, as may be seen by the following circular letter from the Supreme Council of the Inquisition to the other tribunals of the Holy Office, dated Madrid, May 6 1808.

“The fatal consequences produced in Madrid by the scandalous insurrection of the lower orders against the troops of the emperor of the French, on the second of the present month, loudly calls for the most active vigilance of all the authorities and respectable bodies of the nation, in order to prevent the repetition of similar excesses, and to maintain in all the towns that tranquillity which their own interest dictates, as well as the hospitality due to friendly officers and soldiers who injure no one, and who have hitherto given the greatest proofs of good order and discipline, by rigorously punishing all Frenchmen guilty of any disorders, or those who have illtreated Spaniards in their persons or property.”

“It is probable that the malignity or ignorance of some persons easily seduced may have caused them to commit revolutionary disorders, under the mask of patriotism and love to their sovereign. Consequently those who are better informed ought to undeceive them, and draw them out of so dangerous an error, by making them sensible that tumultuary commotions, far from producing the effects of a well directed loyalty, seem only to place the country in danger, by breaking down the subordination which sustains the fidelity of the people, by suppressing the sentiments of humanity, and destroying the confidence

that ought to be lodged in the government to whom it actually belongs to direct patriotism in an uniform manner and to give impulse to its efforts.

“ No one is better able to inculcate these important truths into the minds and hearts, than the ministers of the religion of Jesus Christ, which breathes peace and fraternity among men, together with submission, respect, and obedience to the constituted authorities. And, as the members and ministers of the Holy Office ought to be, and always have been, the first to give examples to the ministers of peace, we have believed, Gentlemen, that it accorded with our ministry and duties to address the present letter to you, in order that, being aware of its contents, and sensible of the urgent necessity of the measure, you may be enabled unanimously to concur in the preservation of public tranquillity. You will therefore cause it thus to be made known to all the subalterns of your respective tribunals, and to the commissaries of their districts, in order that all and each of them may, on his part, contribute to so important an object with all possible zeal, activity, and prudence: with this you will comply, and acknowledge receipt of the present circular.

“ D. CRISTOVAL COS Y VIVEROS,

“ Secretary of the Council.”

With such a document on record, coming from a body possessed of the greatest influence over the lower orders, and ever active as the vehicle of faction,* the Cortes, in a political point of view, would have

* The leading members of the Inquisition, together with most of the higher orders of the clergy and nobles, had early joined the standard of Joseph Buonaparte, whence it became impossible to assemble them as a distinct body or House of Lords.

been wanting in their professions made to the world, if they had not early and deliberately turned their attention to a subject so strongly presented to their consideration. Under the extent of national prejudice, much however was to be done before they could venture to make the overthrow of the Inquisition the object of a legislative measure, but fortunately they were aided by the patriotic labours of several who by their writings prepared the public opinion. Among these, the *Inquisition Unmasked* certainly holds the first rank: it was the precursor of that bold but necessary step which was to give power and effect to the new code of laws as far as regards religion; and certainly its pages in an English dress, as well as the object for which they were penned, will thence be duly appreciated in a country that owes its prosperity and happiness to those principles of civil and religious liberty which its inhabitants enjoy.

By the 12th article of the Constitution, promulgated at Cadiz in March, 1812, it had been ordained, "that the religion of the Spanish nation is, and ever shall be, the Catholic, and that the nation protects it by wise and just laws, and prohibits the exercise of any other. Even this clause, intended to establish the unity of religion as a fundamental law, to many may appear as not sufficiently tolerant; but it must be remembered that in Spain the hydra of prejudice still possessed a most gigantic power, and that it was too dangerous an experiment to attempt at once to change the influence of opinions forming the principal spring that actuates the political machine, and which it was requisite gradually to reform without producing irritation or alarm. It was essential to abate the virulence of religious zeal, without alienating the sen-

timents of the people, and leave the rest to time and education.

The above clause nevertheless paved the way to the ulterior views of the national legislature, and operated as a prelude to the total overthrow of the Inquisition. Men of influence no longer hesitated to affirm, that it was unjust and absurd to inflict a civil penalty for religious opinions, and that no principle of reason or known law could authorize the magistrate to persecute and oppress the member of a system of worship which the former disapproves. In the session of Dec. 8, 1812, the committee, which had been charged to arrange and report on various parts of the new constitution, presented to the Cortes the result of its deliberations on the matter proposed for its more immediate consideration; viz. "whether the establishment of the Inquisition is, or is not, conformable to the political constitution of the monarchy, as sanctioned by the Cortes and accepted by all the free provinces."

It would be impossible to follow the committee through its report, or to convey an idea of the numerous speeches afterwards produced on the subject on both sides. Suffice it to say that the question occupied the house from Dec. 8 to Feb. 5 following, when the discussions ended. In this interval of time the entire archives of the country were opened, and many of the members busied themselves in laborious researches, in order to collect materials to suit their respective views. In justice to the work now offered to the public, it ought to be added, that almost every thing material had been anticipated by our author, and that both the committee and individual members found the greatest facilities in a work on whose fidelity they could rely. On the 22d of Feb. 1813 a decree was issued,

of which the three following constitute the leading articles.

1st. The Catholic, Apostolic, and Roman religion shall be protected by laws conformable to the constitution.

2d. The tribunal of the Inquisition is incompatible with the constitution.

3d. In consequence of this, the Law II, Title xxvi, Part vii, is re-established in its primitive vigour, by which the Bishops and their Vicars are empowered to take cognizance of matters of the faith, conformably to the sacred canons and common law, and the secular judges are authorized to declare and impose on heretics the penalties ascribed by the laws, or such as they may hereafter ascribe. The ecclesiastical and secular judges will therefore proceed in their respective cases conformably to the constitution and the laws.

Thus ended the existence of a tribunal which in Spain had lorded it over the people for more than three hundred and twenty years, had been an outrage to humanity, and a powerful engine of internal police in the hands of despots. Thus perished a tremendous and inconsistent power, which even in Rome* no longer held sway; and, though the triumph was unfortunately short, the daring and enlightened measure of the Cortes will ever remain on record, as part of that great attempt to rally round the sacred standard of civil and religious liberty, as far as was possible in a country so benighted as that over which they presided; and, as a meritorious act, the destruction

* It is worthy of remark that, whilst Italy was under the late influence of France, the buildings of the various Inquisitions served as conventicles to societies of free-masons, whose meetings were held in the secluded parts, chiefly the Halls of Torture.

of the Inquisition thence entitles them to the respect of their contemporaries and the gratitude of posterity.

No sooner had king Ferdinand VII. been restored to his throne, than he annulled the acts of the Cortes, and re-established the Inquisition in its full powers, by virtue of the following decree, copied from the Madrid Gazette of Saturday, 23d July 1814.

“ The past tumults and the war, which have desolated all the provinces of the kingdom for the space of six years—the residence therein during this period of foreign troops consisting of many sects almost all infected with abhorrence and hatred to the Catholic religion, and the disorders these evils always bring with them, together with the little care latterly taken to regulate religious concerns, are circumstances which have afforded wicked persons full scope to live according to their free will, and also given rise to the introduction and adoption of many pernicious opinions through the same means by which they have been propagated in other countries” *

“ Wherefore I have resolved that the Council of the Inquisition, together with the other tribunals of the Holy Office, shall be restored, and for the present continue in the exercise of their jurisdiction, as well ecclesiastical—a power granted them by the Popes at the request of my august predecessors, united with that vested in local prelates by virtue of their ministry—as also royal, conferred upon them by successive monarchs; the said tribunals in the use of both jurisdictions complying with the statutes by which they were governed in 1808, as well as the laws and regulations it had been deemed expedient to enact at various

* This alludes to the freedom of the press which existed during the absence of the King.

times in order to prevent certain abuses and moderate various privileges." &c. &c.

Palace, July 21, 1814.

PEDRO DE MACANAZ.

On the document from which the above is a faithful extract of the material part, it would be unnecessary to offer any remarks, when the reader has before him an authentic history of those dark and wrathful days in which this enemy of learning and of the human race wielded his gigantic power; and when every one with his own eyes is enabled to trace that uniform spirit of persecution which, in lines of blood, has marked the fatal progress of the Inquisition in Spain, from the period of its first assumption of secular power till the recent and memorable crisis when it was destroyed by the Cortes. I leave my readers therefore to judge for themselves, and to form their own conception of the nature of a government which requires the Inquisition as its coadjutor; and against what nation the preceding decree is chiefly levelled. At the time the Inquisition was re-established in Spain, the happiness or misery of a large portion of Europe, nay, I may say of the world, were as a sacred deposit in the hands of Great Britain; and future events have yet to unfold the mystery, whether governments, reposing on bases conformable to natural right, are not more brilliant and secure than when they rest on the degradation of the human mind. It was to be hoped that the nineteenth century, availing itself of past experience, would never again have witnessed those ridiculous and horrid scenes which disgraced preceding eras, and that the sanguinary and scowling storms of persecution were at an end. At a time when even the pretensions of Rome are so much

relaxed, it was to be hoped that the Christian religion would no longer be irrigated with human blood, and that even Spain would never again exhibit the afflicting picture of mangled bodies and mutilated limbs, offered in the way of incense to a beneficent creator.

We had reached a period when it was expected that the general scale of society in all Europe would have assumed a form more friendly to the gentler dispositions of nature, and more congenial to the progress of civilization. We had arrived at a crisis when princes ought to have known that they exercised their power over men, and that they themselves are never so great or so secure, as when they give the first examples of obedience to the same laws by which they seek to govern others. An expectation in short was indulged, that the future systems of government would be moulded by a spirit of liberality and justice, that every source of complaint and irritation would be dried up, and that the rapid advances in the arts and sciences, even during a long interval of war, would have healed the human mind of the remainder of that prejudice and immorality which tyranny and anarchy had spread over so large a portion of the European continent.

These hopes have in great measure been frustrated, more particularly in Spain, where England might have done so much. It is a truth conclusively established by every stage of the Spanish revolution, and proved by the labours of the Cortes, that, after expelling the French, the next great object was internal reform, and a wish to prevent the prodigality and dissipation of succeeding governments, or, in other words, to have a constitutional king. This was manifested by the spirit of the nation, it was due for past efforts and sufferings, and if as allies we failed to

aid in the attainment, we neglected to comply with a duty of the highest moral obligation. It was in the Spanish people we found aid and support; if so, they were entitled to all our protection. It has ever been the pride of British sovereigns, as well as the delight of the people, to behold our nation revered as the great and constant defender of the rights and liberties of mankind: why then should Spaniards be excluded from our solicitude? We ourselves certainly live under a milder system which is not likely to bring any man to the stake; but, whilst we contemplate this fact with a satisfaction derived from the consciousness of self-security, as members of a community that has done so much for the political welfare of the world, we cannot but regret the manner in which those have been abandoned who so lately fought in our ranks, and helped us to acquire the laurels with which the heads of our heroes are adorned. Every where we have negotiated for the abolition of the Slave Trade; in Portugal our influence neutralized inquisitorial power; in the Brazils by treaty we stipulated that the Inquisition should be suppressed, and in Spain could we do nothing to prevent its re-establishment?

Much as it was to be hoped that monarchs would have understood their real and substantial interests too well, to allow them in the present age to renew those barbarous times marked with the infancy of civil societies, when the ministers of a benignant religion were authorized to employ terrors founded on penal sanctions, the Inquisition was nevertheless restored in Spain without any known demonstration of displeasure on the part of any of the Allies, or their agents; and, as if the respite which had intervened had infused fresh energies, its members set to work with redoubled vigour. Impossible as it would be for us to trace the

personal outrages committed by this tribunal since its new assumption of power, we must content ourselves with exhibiting its spirit and pursuits in conformity to such official documents as we possess; and which, whilst they furnish the best possible criteria, carry with them a greater degree of weight than the reports of individuals unable to scrutinize acts performed under the greatest secrecy; as we thereby convert its own expressions and actions into ample evidence.

The first document we deem deserving the attention of our readers, contains the Instructions transmitted by the respective tribunals of European and American Spain, to each of the confessors belonging to their several districts, and they are as follow:

“ Among the delicate and weighty matters which worthily occupy the attention of His Majesty’s Council of the Supreme and General Inquisition, the latter is aware that its labours ought preferably to be directed towards the true good and spiritual alleviation of those persons who, through natural weakness, ignorance, malice, or perversity of heart, may be contaminated with any one or more of the heresies belonging to the various nations which have occupied the Spanish soil. Wherefore, availing ourselves of the opportunity afforded by the approach of the enjoined compliance with the Easter precept, and being at the same time desirous that all the faithful may prepare and dispose themselves to fulfil this their obligation in a worthy manner, the Council has resolved to transmit adequate powers and instructions, in matters relating to the Holy Office, to all secular as well as regular confessors approved by the diocesan bishop, in order that they may be enabled to act towards those penitents who may have fallen into any external or mixed heresy, according to the manner and form adopted and established by

the Holy Office, with advantage to the faithful, even though they may have prevaricated, as long as they acknowledge their errors, hereby subjecting said confessors to the following Instructions.

“First, Each one is, with the greatest efficacy, to persuade the penitent to accuse himself before the said confessor of all the errors or heresies into which he may have fallen, without promising him the benefit of absolution in any other form, assuring him of the inviolable secrecy he will keep and which is kept in the Holy Office, and that the smallest injury shall not thence result to him; rather that this measure will serve as a means to prevent his being punished in case he should be accused by any other person of the errors and heresies which it behoves him to manifest, and to which he otherwise stands liable.

“In the second place, in case he should consent, the confessor shall take down his declaration under oath to speak the truth, and the act shall bear the following heading:—‘In the town of N., on such a day, month, and year, spontaneously appeared before me the undersigned confessor ————— (expressing his name, age, country, and profession).’ The document shall then relate, in the most specific manner, all his errors and their accompanying circumstances, the time and place in which he may have committed them, seen, or heard them committed; and, if any persons were present, they are to be named, and he is also to specify of them all he knows. He is then to sign his declaration, if he knows how; and, if not, he is to make a cross, but the confessor is always to sign it.

“In the third place, he (the confessor) shall cause him to abjure his heresy, and absolve him by reconciling him to the church: he shall moreover enjoin

him secretly to confess all his errors, and impose on him such penance as he may deem fit, which being done, the whole is to be forwarded to the Holy Office.

“ Finally, if the most efficacious persuasions have not been able to prevail on the penitent, in case he should evince due signs of repentance and detestation of his offences, the confessor shall absolve him from excommunication in the internal form * only, explaining this to him for his government and information. As soon as the statement of all this has been drawn up by the confessor, he is also to forward it to the Holy Office.

“ And, in order that the whole of the above may have its due and full effect, this Holy Office communicates the same to You, to the end that through your means it may reach the knowledge of the confessors of your jurisdiction and district.

“ Our Lord preserve you many years, &c. Inquisition of Seville, this 12th February, 1815.

“ Dr. D. FRANCISCO RODRIGUEZ DE CARASA.

“ Dr. D. JOAQUIN DE MURCIA Y EULATE.

“ Licentiate D. JOSE MARIA VALENZUELA.

“ By order of the Holy Office,

“ Br. D. JUAN JOSE VERDUGO,

“ Secretary.”

The effect, naturally produced on a community by such an authorized injunction as the preceding, may easily be conceived by any one the least acquainted with the country in which it was intended to operate; an effect so much the greater, in consequence of the dignified and respectable agency through which its

* What is meant by this term is, that the confessor is allowed to reconcile the penitent to God, but not to exempt him from the future prosecutions of the Holy Office.

object was to be accomplished. In the anomalous times in which we live, we have seen religion perverted in a variety of ways for political purposes; we have beheld systems of espionage established under all kinds of forms; we have witnessed state-police under every species of refinement, still our feelings and judgment were never before revolted with any thing so comprehensive and insidious as the above. That fraternal and kindred principle, which unites members of the same family, has been sacrificed and made instrumental to party views or political revenge; those enchanting and social ties, which form the basis of friendship, have been converted into snares laid by the hand of treachery; but we have never before seen the ministers of the altar, scattered as they are among their respective flocks for the purposes of spiritual comfort, thus solemnly commissioned to act the part of spies and informers, and to prepare instruments of destruction for those who had approached the sacrament of penance and disclosed to them the inmost recesses of their hearts. A more dexterous mode of finding out and securing victims was possibly never before invented, nor a more powerful means of fascinating, through the instrumentality of terror, the enfeebled minds of an unlettered people. This is a plan to procure for the uses of government a wide register of the conduct, sentiments, and actions of every enlightened individual in the Spanish monarchy, since against such only is the measure aimed; of all those who have read foreign books, had intercourse with persons of another nation or religion, who have entered a masonic lodge, or dared to think or speak of the reform their country required. It is not only to provide an official register of their names, professions, and places of abode, but also to furnish a lasting and ready instrument of

attainder against their persons, to suit any dark or designing purpose. The fact could not be credited if the document were not before us.

In further adverting to the new organization of the Spanish Inquisition and the pursuits to which its labours were immediately devoted, the next document that strikes us is the following one, copied in the *Diario* of Madrid of the 28th, 29th, 30th, and 31st of July 1815, which, though long and in some measure tedious, is nevertheless so important and curious as to merit a place in these Remarks. It is therefore given in its entire and literal form.

“ We Don Francisco Xavier Mier y Campillo, by the grace of God and of the Holy Apostolic See, Bishop of Almeria, Knight Grand Cross of the Royal and distinguished Spanish order of Charles III., Counsellor to his Majesty, and Inquisitor General of these kingdoms and Lordships,

“ To all the faithful inhabitants and dwellers therein, of whatsoever state, quality, order, or dignity they may be, * health.

“ It has come to our knowledge and is also notorious to all Spain, that among the evils brought upon us by the hostile invasion of 1808, and the absence and captivity of our beloved Monarch, those have not been the least which have arisen out of the liberty of thinking and writing in so loose a manner, that for the space of five years our pious and Catholic nation has been inundated with pamphlets, periodical and other papers, and wicked writings, which were found in the hands of all persons to the ruin of their souls. On the Holy Office being abolished in the provinces conquered by the impious tyrant, and its

* It hence appears that even a foreign ambassador is not excluded from the force of this and other decrees of the Inquisition.

functions first laid dormant in the free ones, and afterwards entirely extinguished, the clamours and zeal of the reverend bishops being no longer able to restrain so grievous an evil; no mound was found capable of stemming free minds and lovers of novelty; and the unbridled scope for writing, authorized by the freedom of the press, reached such an extreme, that not only tracts in every sense pernicious were published daily, but works also already justly condemned by the Holy Office were reprinted, and even some which were so in the judgment of the whole Church. Wherefore, from the day on which, through the goodness of our Catholic and pious monarch, we returned to the exercise of the functions of our ministry, we have unceasingly laboured to put a stop to the evils which might be caused to the faithful by reading so many productions of darkness. But resolved always to proceed with the greatest delicacy, circumspection, deliberation, and care, usual in the Holy Office, and it not being possible for a long period of time to effect the examination, censure, and other legal and necessary measures which ought to precede the individual and qualified prohibition of so many injurious writings; and on the other hand, pressed by the urgent necessity of wresting as soon as possible from the hands of the faithful, every book, paper or pamphlet containing dangerous and rash ideas, or in any way contrary to the holy religion we profess, and the fidelity due to the sovereign we have adjoined, after renewing, as by these presents we do renew, the prohibitions contained in anterior edicts in the form therein expressed, and pointedly condemning the works therein specified, we have also thought proper to command in conformity to the judgment and opinion of the Lords of His Majesty's Council of the Su-

preme and General Inquisition, that all the works included in the present edict under alphabetical order, shall be called in and delivered over to the Holy Office till they have been examined and qualified; their perusal or retention being prohibited under the penalties hereafter expressed;—further declaring, as we hereby do declare, that every other printed or manuscript book or paper which may be comprehended on any account whatever within the rules of the General Index, is also included in the present list; as in fact are all calumnious ones, those which detract from the good reputation of our neighbour, are injurious to persons constituted in dignity, to ecclesiastical institutions or corporations, the Holy Office, and those which in any manner encourage republican and seditious ideas, or such as may tend to disturb public and established order. For the same reason and not with lighter motives than those which induced the Holy Office to command by edict of Dec. 13, 1789, the calling in and delivery up of all papers coming from France and containing revolutionary ideas, the same is now commanded with respect to all which may already have arrived, or may hereafter arrive, provided in the same sentiments are expressed in any manner injurious to our government, or such as may authorize the intrusion and tyranny of the usurpers of thrones and the enemies of the altar.

Works prohibited even for those who may be furnished with licence, viz.

Breve Ensayosobre el Fanatismo. Por D. B. Y. H. P.; folleto impreso en Madrid en 1813: por temerario, calumnioso, escandaloso, y subversivo de la fe y buenas costumbres.

Short Essay on Fanaticism. By D. B. Y. H. P.;

a pamphlet printed in Madrid in 1813: owing to its being rash, calumnious, scandalous, as well as subversive of the faith and of good manners.

Conversacion entre el Cura y el Boticario de la Villa de Porriño sobre el Tribunal de la Inquisicion; folleto en 12mo. Cadiz, 1812: por contener proposiciones falsas, erroneas, capciosas, inductivas á la heregia, é injuriosas al Santo Oficio.

Conversation between the Curate and Apothecary of the town of Porriño, respecting the Tribunal of the Inquisition; pamphlet in 12mo, Cadiz, 1812: because it contains propositions false, erroneous, captious, propending to heresy, and injurious to the Holy Office.

Diccionario Crítico-burlesco; impreso en Cadiz y reimpresso en otras partes: por contener proposiciones respectivamente falsas, impías, heréticas, temerarias, erroneas, *piarum aurium* ofensivas, é injuriosas al estado eclesiástico secular y regular, al Santo Oficio, &c. &c.

Crítico-burlesque Dictionary; printed in Cadiz and reprinted in other parts: because it contains propositions respectively false, impious, heretical, rash, erroneous, offensive to the ears of the pious, and injurious to the secular and regular orders of the church, as well as to the Holy Office, &c. &c. *

* This work was written by Don B. J. Gallardo, late librarian of the Cortes, whose sportive genius and researches in Spanish literature are well known to his countrymen. The object of the composition is chiefly to make war against the prejudices under which the people laboured; consequently he roused all the enmity of devotees, monks, and friars: but still as a proof of the reception of the work, as well as of the prevailing anxiety to read every thing that could

Dictámen del Dr. Don Antonio José Ruíz de Padron, Ministro calificado del Santo Oficio, Abad de Villamartin de Valdeorres, y Diputado en Cortes por las Islas Canarias, que se leyó en la sesion publica de 18 de Enero sobre el tribunal de Inquisicion: impreso en Cádiz año de 1813, en la imprenta tormentaria, á cargo de Don Juan Domingo Villegas.

Opinion of Dr. Don Antonio Jose Ruiz de Padron, qualified Minister of the Holy Office, Abbot of Villamartin de Valdeorres, and Deputy in the Cortes for the Canary Islands, which was read in the public session of Jan. 18, on the subject of the Inquisition: printed in Cadiz in the Artillery printing office for Don Juan Domingo Villegas.

Apéndice al Dictámen de Ruíz de Padron sobre Abolicion de Inquisicion: folleto en 4to, impreso en Cádiz, año de 1813.

Appendix to the Opinion of Ruiz de Padron respecting the Abolition of the Inquisition: pamphlet in 4to, printed in Cadiz in the year 1813. *

Dictámen del Senor Don Joaquin Lorenzo Villanueva, Diputado en Cortes por Valencia, acerca de la Segunda Proposicion Preliminar del Proyecto de

enlighten, it may be added that the first edition of 2500 copies was sold in one week, and reprints were immediately issued in Spain and France.

* Dr. Padron, the author of the two last works, though formerly a counsellor of the Inquisition was one of the most zealous advocates for its abolition. His practical experience enabled him to bring many important facts to light, and the veneration in which his character was held made a powerful impression both on the Cortes and the people. On that occasion he commenced his beautiful and learned speech with the following remarkable words from the XVth chapter of St. Matthew: "*Omnia plantatio quam non plantavit Pater vester coelestis creditur.*"

Decreto sobre los Tribunales Protectores de la Religion, leído en las sesiones del 20 y 21 de Enero: impreso en Cádiz, en la imprenta de Don Diego Garcia Campoy, año de 1813.

Opinion of Don Joaquin Lorenzo Villanueva, Deputy in Cortes for Valencia, respecting the Second Preliminary Project of a Decree relating to the Tribunals destined to protect Religion, and read in the sessions of Jan. 20 and 21: printed in Cadiz in the office of Don Diego Garcia Campoy, year 1813. *

Dictámen del Señor Don Francisco Serra, Presbítero, Bibliotecario de la Real y Arzobispal de la Ciudad de Valencia, Diputado por aquella Provincia, sobre el Artículo Primero del Proyecto de Decreto acerca de los Tribunales Protectores de la Religion, expuesto en la sesion de 25 de Enero: impreso en Cádiz, año de 1813.

Opinion of Don Francisco Serra, Clergyman, Librarian to the Royal Archiepiscopal Library of the City of Valencia, and Deputy for that Province, respecting the First Article of a Project of a Decree regarding the Tribunals destined for the Protection of Religion, and laid before the Cortes in the session of Jan. 25: printed in Cadiz, year 1813. †

* This writer is an ecclesiastic of great erudition and research, and peculiarly distinguished by his labours in the cause of reform. He is now one of the state prisoners against whom those of his own cloth have most levelled their envenomed shafts.

† This venerable character was renowned for his ecclesiastical science and exquisite erudition. He was profound in the dead languages, and till the late revolution his whole life had been spent among books; but, having merited the confidence of his fellow-countrymen, he was desirous of devoting the whole of his acquirements to the object of reform, and certainly his zeal was unabated. As a model of virtue, he died at the beginning of the late persecution.

Monumento de Gratitude al Pueblo de Cádiz, con Motivo de disolverse las Cortes Generales y Extraordinarias, por el Dr. Don Antonio Ruíz de Padron, Diputado en Cortes por las Canarias. Dado á luz por un Amigo del Autor. Madrid, imprenta de Fuentenebro, año 1813.

Monument of Gratitude to the People of Cadiz, on occasion of the Dissolution of the General and Extraordinary Cortes, by Dr. Don Antonio Ruiz de Padron, Deputy in Cortes for the Canary Islands. Published by a Friend of the Author. Madrid, in the office of Fuentenebro, 1813.

THESE last five works are prohibited, because they contain propositions respectively false, erroneous, calumnious, heretical, *sapientes hæresim*, scandalous, offensive to the ears of the pious, and atrociously injurious to the Roman Pontiffs, to kings, the clergy, and the Holy Office.

Eloge Historique de Nicholas Freret: por ser un texido de errores, una masa de impiedades, y un extracto de todas las heregías.

Historical Eulogium of Nicholas Freret: because it is a tissue of errors, a mass of impieties, and an extract of all the heresies.

Español Imparcial (Un) á los llamados Liberales y Serviles; folleto impreso en Cádiz, 1812: por contener proposiciones respectivamente falsas, erróneas, temerarias, sospechosas de heregía, ó que saben á ella, injuriosas al clero y obispos de España, á los Papas, y á su soberanía temporal.

An Impartial Spaniard to those called Liberales and Serviles; pamphlet printed in Cadiz, 1812:

because it contains propositions respectively false, erroneous, rash, suspicious of heresy or propending thereto, injurious to the clergy and bishops of Spain, to the Popes, and to their temporal sovereignty.

Fabulas Políticas de Don C. de B. Londres, 1813 :
por estar comprendido en las reglas 10 y 16 del Indice expurgatorio, y por ser un escrito revolucionario é injurioso á nuestros monarcas y á las mas distinguidas clases del estado.

Political Fables of Don C. de B. London, 1813 :
because this work is comprehended in the 10th and 16th rules of the Index of Prohibited Books, and because it is a writing both revolutionary and injurious to our monarchs and to the most distinguished classes of the state.

Historia de una famosa Hechicera que escapó de la Inquisicion de Valencia, valiéndose de un artificio el mas endiablado; impresa en Madrid, 1811:
por ser una sátira contra el Santo Oficio, calumniosa, infamatoria, y escandalosa.

History of a famous Witch who escaped from the Inquisition of Valencia, by availing herself of a most devilish spell; printed in Madrid in 1811: because it is a calumnious, defamatory, and scandalous satire against the Holy Office.

Juicio Histórico-canónico-político de la Autoridad de las Naciones en los Bienes Eclesiasticos; folleto en 4to, impreso en Alicante en la imprenta de Manuel Muñoz, ano de 1813: por contener proposiciones heréticas, *sapientes hæresim*, temerarias, cismaticas é injuriosas á los sumos Pontífices y á todo el clero.—

Historical, Canonical, and Political Observations on

the Authority of Nations over Church Property; pamphlet in 4to, printed in Alicant in the office of Manuel Muñoz. year 1813: because it contains propositions, heretical, *sapientes hæresim*, rash, schismatic, and injurious to the high pontiffs and to all the clergy.

Soneto y Epitafios dirigidos al M. R. P. Presentado Fr. Antonio Verde, Excomisario del recién extinguido Santo Oficio de la Inquisicion, &c.; papel suelto, impreso en la ciudad de la Laguna por Angel Bazzanti en 1813: por impíos, blasfemos, atrozmente injuriosos al Santo Oficio, é igualmente á la Iglesia y al estado.

Sonnet and Epitaphs addressed to the Most Rev. Father Antonio Verde, ex-commissary of the recently extinguished Holy Office of the Inquisition, &c.; a loose tract printed in the city of la Laguna, by Angel Bazzanti, in 1813: because they are impious, blasphemous, atrociously injurious to the Holy Office, and equally so to the church and state.

Soneto impreso en la Gran Canaria, en la imprenta de la Sociedad Economica, año de 1813, por Francisco de Paula Mavina: papel suelto: por impio, blasfemo, é injurioso en sumo grado á la religion, al estado y al Santo Oficio.

Sonnet printed in the Great Canary, in the Office of the Economical Society, year 1813, by Francisco de Paula Mavina; a loose tract: because it is impious, blasphemous, and injurious in the highest degree to religion, the state, and the Holy Office.

Un Militar Español residente en Francia á sus Compañeros de armas; una hoja suelta que se dice

ser impresa en Burdeos á 12 de Junio de 1815: por revolucionaria, subversiva, calumniosa y atrozmente injuriosa al rey y a la nacion Española.

A Spanish Soldier residing in France to his Companions in arms; a loose sheet, said to be printed in Bordeaux, June 12, 1813: for being revolutionary, subversive, calumnious, and atrociously injurious to the king and the Spanish nation.

Proclama, en un pliego suelto que comienza "Españoles, será possible," &c. y acaba "vuestros generosos sentimientos; May 31 de 1815:" sin lugar de impresion aunque parece impresa en Francia: por revolucionaria, impia, escandalosa y atrozmente injuriosa al rey, á la nacion, y á las mias respectables corporaciones de la iglesia y del estado.

Proclamation, in a loose sheet, beginning with "Spaniards, shall it be possible," &c., and ending "your generous sentiments; May 31, 1815:" the place of impression is not mentioned, although it appears to have been printed in France: because of its being revolutionary, impious, scandalous, and atrociously injurious to the king, the nation, and to the most respectable corporations of the church and state.

Works ordered to be called in with the knowledge and approbation of His Majesty.

Abeja Española: periódico de Cadiz.

Spanish Bee: Cadiz periodical paper.

Abeja Madrileña: periódico de Madrid.

Madrikenian Bee: Madrid periodical paper.

Abeja Barcelonesa: periódico de Barcelona.

Barcelonian Bee: Barcelona periodical paper.

Abuso introducido en la Disciplina de la Iglesia, y Potestad de los Principes en su Correccion: un tomo en 4to., impreso en esta corte, sin nombre de autor.

Abuse introduced into the Discipline of the Church, and the Power of Princes in its Correction: one vol. 4to., printed in this city, without the name of the author.

Amante de la Libertad Civil: periódico de Madrid.

The Lover of Civil Liberty: Madrid periodical paper.

Amigo de las Luces: periódico de Madrid.

The Friend of Learning: Madrid periodical paper.

Amigo de los Frayles.

A Friend of the Friars.

Amigo del Pueblo: periódico de Madrid.

The Friend of the People: Madrid periodical paper.

Anales de la Inquisicion de España; su autor Don Juan Antonio Llorente: dos tomos in 8vo, impresos en Madrid, año de 1812.

Annals of the Inquisition of Spain; written by Don Juan Antonio Llorente: 2 vols. 8vo, printed in Madrid, 1812.

Anti-Lucindo: folleto impreso en Valencia.

The Anti-Lucindo: pamphlet printed in Valencia.*

* The tract bearing the above title of Anti-Lucindo, was written in answer to a periodical paper commenced in Valencia after the return of Ferdinand VII. and called Lucindo. It was intended to prepare his way to the capital, as well as the minds of the people for those events which have since happened. As a proof of the exalted merits of the Lucindo, it may be remarked, that the Pope was prevailed upon to issue a Bull, in which he loads its author with indulgences for having so zealously defended the rights of the altar and of the throne.

Aviso á los Gallegos: papel impreso en Santiago en la oficina de Rey.

Notice to the Gallicians: a tract printed in Santiago in the office of Rey.

Aurora Mallorquina: periodico de aquella isla. *

The Aurora of Majorca: periodical paper of that island.

Banderilla de Fuego al Filósofo Rancio, por Ingenuo Tostado: papel impreso en Cádiz.

A Fiery Dart to the Filósofo Rancio, by Ingenuo Tostado: a tract printed in Cadiz.

Batería para los Frayles, ó el Reformador de antaño es orgaño; por A. A. C.: impreso en Valencia, año de 1813.

A Battery for the Friars, or the Reformer of last year come again this year; by A. A. C.: printed in Valencia, 1813.

Bosquejo de la Revolucion de España: folleto impreso en Madrid, año de 1814.

Sketch of the Revolution of Spain: pamphlet printed in Madrid, 1814.

Bosquejo de los Fraudes introducidos en la Religion por las Pasiones de los Hombres, por M. D. B.: impreso en Palma, año de 1813.

Sketch of the Frauds introduced into Religion through the Passions of Men, by M. D. B.: printed in Palma, 1813.

Cabaña Indiana: impresa en Valencia.

The Indian Cottage: printed in Valencia. †

* This paper justly remarked for its free and correct principles was edited by the unfortunate Don Isodoro Antillon, Deputy in the Cortes for Aragon, and who died a victim to the persecution he met with under the new order of things.

† This is the translation of the innocent novel of St. Pierre known by the same name.

Campana del Lugar: periódico de Cádiz.

The Town Bell: Cadiz periodical paper.

Carta Gratulatoria á E. E. D. P.: impreso en Jaen,
año de 1813.

Gratulatory Letter to E. E. D. P.: printed in Jaen,
1813.

Cartas al Amigo de la Constitucion: impresas en
Madrid.

Letters to a Friend of the Constitution: printed in
Madrid.

Cartas de un Religioso Español sobre el Abuso del
Poder: impresas en Madrid, año 1808.

Letters of a Spanish Friar respecting the Abuse of
Power: printed in Madrid, 1808.

Cartel: periódico de Santiago.

Cartel: periodical paper of Santiago.

Cartilla del Ciudadano Español; por el Robespierre.

The A. B. C. of the Spanish Citizen; by the Ro-
bespierre.

Catecismo Civil.

Civil Catechism.

Catecismo natural del Hombre Libre.

Natural Catechism of the Free Man.

Catecismo Patriótico.

Patriotic Catechism.

Catecismo Político arreglado á la Constitucion: im-
preso en Cordoba.

Political Catechism regulated to the Constitution:
printed in Cordova.

Catecismo Político-constitucional: impreso en Malaga.

Politico-constitutional Catechism: printed in Ma-
laga.

Catecismo Político-sentencioso, ú Doctrina del buen

Ciudadano amante de su Religion, de su Patria, y de su Rey.

Politico-sententious Catechism ; or the Doctrine of the good Citizen and Lover of his Religion, his Country, and his King.

Celibatismo: papel asi titulado; impreso en Leon año de 1814.

Celibacy: a tract so called, and printed in Leon, 1814.

Censor de Abusos conocidamente opuestos al Esplendor y Gloria de España.

The Censor of Abuses evidently opposed to the Splendour and Glory of Spain.

Centinela de la Patria.

Centinel of the Country.

Citateur (Le); par Pigault-Lebrun : el tomo 1º y siguientes.

The Quotator ; by Pigault-Lebrun : the first vol. and following.

Ciudadano : periódico de Madrid.

The Citizen : Madrid periodical paper.

Ciudadano por la Constitucion : periódico de la Coruña.

The Citizen by the Constitution : Corunna periodical paper.

Ciudadano (Un) del Reyno de Jaen á sus Compatriotas : impreso en dicha ciudad, año de 1813.

A Citizen of the Kingdom of Jaen to his fellow-countrymen : printed in said city, 1813.

Coleccion de Documentos ineditos pertenecientes á la Historia Política de nuestra Revolucion : Palma, 1811.

Collection of inedited Documents belonging to the Political History of our Revolution ; Palma, 1811.

Coleccion de las Felicitaciones á las Cortes por la Abolition de la Inquisicion.

Collection of the Felicitations to the Cortes on the Abolition of the Inquisition.

Conciso ; periódico de Cádiz.

Conciso : Cádiz periodical paper.

Concison : periódico de Cádiz.

The Big Conciso : Cadiz periodical paper.

Conferencia de los Liberales sobre el Papel intitulado Vindicacion de la Inquisicion : impreso en Palma, año de 1812.

Conference of the Liberales respecting the Tract entitled " Vindication of the Inquisition " printed in Palma, 1812.

Continuacion de la Historia de Buonaparte : folleto en 4to menor ; impreso en Valencia.

Continuation of the History of Buonaparte : pamphlet in small 4to ; printed in Valencia.

Copia de la Representacion del Reverendo Obispo de Barbastro, dando gracias por la Abolicion de la Inquisicion ; impresa en Madrid.

Copy of the Representation of the Reverend Bishop of Barbastro, giving thanks for the Abolition of the Inquisition : printed in Madrid.

Cuatro Verdades sobre la sabia Constitucion ; Palma, imprenta de Domingo.

A few Truths respecting the wise Constitution ; printed in Palma in the office of Domingo.

Cuatro Verdades útiles á la Nacion : Palma, imprenta de Domingo, año de 1810.

A few Truths useful to the Nation : Palma, in the office of Domingo, 1810.

Cuchilla del Terror : folleto impreso en Cádiz.

The Blade of Terror : pamphlet printed in Cadiz.

ntos en Verso Castellano, por el Lic. Don Tomas
Hermenegildo de las Torres: impresos en Valencia.
Tales in Spanish Verse, by Licentiate Don Tomas
Hermenegildo de las Torres: printed in Va-
lencia.

Década (La): impresa en Cádiz.

The Decade: printed in Cadiz.

Defensa de las Cortes y de las Regalías de la Nación,
contra la Pastoral de los Obispos refugiados en
Mallorca: impresa en Cádiz.

Defence of the Cortes and of the Sovereignty of
the Nation, against the Pastoral Letter of the
Bishops who had fled to Majorca: printed in
Cadiz.

Defensa del Pedo.

Defence of the F . . t.

De nuestro Estado, nuestros Males, y su seguro y
único Remedio, por Don Liberio Veranio y Es-
pañol: folleto en 4to. impreso en Madrid año
de 1812.

Of our State, our Evils, and their sure and only
Remedy; by Don Liberio Veranio y Español:
pamphlet in 4to. printed in Madrid, 1812.

De que sirven los Frayles? folleto impreso en Valencia.

Of what use are Friars? pamphlet printed in Va-
lencia.

Derechos de la Soberanía Nacional; por J. M. Palma,
año de 1810.

Rights of the National Sovereignty; by J. M. Pal-
ma, 1810.

Desengaños Políticos: folleto en 4to. sin nombre del
autor ni lugar de impresion.

Political Undeceptions: pamphlet in 4to. without
the name of the author or place of impression.

Diario Cívico y Patriótico de Santiago.

Civic and Patriotic Diary of Santiago.

Diario Mercantil de Cádiz.

Mercantile Diary of Cadiz.

Diario de Palma.

Diary of Palma.

Disciplina Eclesiastica Nacional : folleto impreso en Palma.

National Ecclesiastical Discipline: pamphlet printed in Palma.

Discurso del Diputado de Cortes Extraordinarias, D.

José Mexía, sobre la Libertad de la Imprenta.

Speech of the Deputy in the Extraordinary Cortes,
Don José Mexia, respecting the Freedom of
the Press.

Discurso del Diputado de las Ordinarias, Martínez de la Rosa, de 21 de Abril de 1814.

Speech of the Deputy of the Ordinary Cortes,
Martinez de la Rosa, on April 21, 1814.

Discurso del Ciudadano Ledesma en la Apertura de las Cortes Ordinarias.

Speech of Citizen Ledesma on the Opening of the
Ordinary Cortes.

Discurso de Don Lorenzo Villanueva á la Apertura de la Audiencia de Valencia; impreso en dicha ciudad.

Speech of Don Lorenzo Villanueva on the Opening
of the High Court of Justice of Valencia:
printed in the same city.

Discurso sobre la Opinion Nacional de España acerca de la Guerra con Francia, por Don Juan Antonio Llorente.

Speech regarding the National Opinion of Spain on

the subject of the War with France; by Don Juan Antonio Llorente.

Discurso dirigido a los Pueblos del Obispado de Lérida, por Don José Vidal, Canonigo Penitenciario de aquella Iglesia con motivo del Concordato de Napoleon con N. M. S. P. Pio VII.

Speech addressed to the People of the Bishopric of Lerida, by Don José Vidal, Penitentiary Canon of that Church, on occasion of the Concordat of Napoleon with Pope Pius VII.

Discurso del mismo Autor sobre la Licitud del Juramento prestado al Gobierno Frances.

Speech of the same Author respecting the Legality of the Oath taken to the French Government.

Discurso de Don Juan Antonio Pose, Cura párroco de San Andres en el Obispado de Leon, sobre la Constitucion Española.

Speech of Don Juan Antonio Pose, parish Curate of St. Andrew's in the Bishopric of Leon, respecting the Spanish Constitution.

Discusion del Proyecto de Decreto sobre el Tribunal de la Inquisicion; un tomo en 4to. Cádiz, en la Imprenta Nacional, 1813.

Discussion on the Project of a Decree respecting the Tribunal of the Inquisition: one vol. 4to. Cadiz, in the National Printing-office, 1813.

Disertacion Teologico-canónica Apologética contra el Papel, intitulado, "Argumento sin Respuesta, ó Convencimiento sin Excusa," impreso en Jaen; su Autor Don José Nucete, Prior de la Iglesia mayor parroquial de Alcandete.

Theologico-canonical and Apologetic Dissertation against a Pamphlet entitled, "Argument without Answer, or Conviction without Excuse:" printed in Jaen, and written by Don José Nu-

cete, Prior of the chief parochial Church of Alcandete.

Duende (El): periódico de Cádiz.

The Ghost: Cadiz periodical paper.

Duende de los Cafés.

The Ghost of the Coffee-Houses. (*Idem.*)

Elementos para un Diputado en Cortes.

Elements for a Deputy in the Cortes.

Elogio Fúnebre del Dr. Don Eugenio de la Peña.

Funeral Oration in honour of Dr. Don Eugenio de la Peña.

Ensayo de un Dictámen sobre la Inmunidad del Clero.

Essay on an Opinion respecting the Immunity of the Clergy.

Escape de los Liberales de la Chámusquina que se les preparaba.

Escape of the Liberales from the Trap prepared for them.

España Libre: periódico de Madrid.

Spain Free: Madrid periodical paper.

Español Libre.

The Free Spaniards. (*Idem.*)

Espejo de Serviles y Liberales.

Mirror for the Serviles and Liberales.

Exámen de la Censura del Diccionario Crítico-burlesco, por Gallardo.

Examination of the Censure passed on the Crítico-burlesque Dictionary by Gallardo.

Exámen Imparcial de Serviles y Liberales.

Impartial Examination of Serviles and Liberales.

Exposicion del Ministro de Gracia y Justicia, Cano Manuel, sobre Restablecimiento de Conventos.

Exposition of the Minister of Grace and Justice,

Cáno Manuel, respecting the Re-establishment of Convents.

Felicitation del Ayuntamiento de Madrid á las Cortes por la Abolicion de la Inquisicion: impreso en Madrid.

Felicitacion of the Municipality of Madrid to the Cortes for the Abolition of the Inquisition: printed in Madrid.

Filosofia (La) de la Guerra, traducida y anotada por el C. Fel; Cádiz, 1813.

The Philosophy of War, translated with notes by C. Fel: Cadiz, 1813.

Filósofo Cristiano (El): folleto en 4to.

The Christian Philosopher: pamphlet in 4to.

Fraylada del Frayle.

The Friar's Act.

Fr. Lucas: comedia.

Father Luke: a comedy.

Gazeta de Madrid desde el 17 de Agosto hasta el 29 de Octubre, de 1812.

Madrid Gazette from Aug. 17 to Oct. 29, 1812.

Gazeta de Valencia.

Valencia Gazette.

Gazeta Marcial de Santiago.

Martial Gazette of Santiago.

Gazeta Político-militar de la Coruña.

Politico-military Gazette of Corunna.

Idea de las Heregías del Dia: papel en verso sin nombre de autor, ni lugar de impresion, atribuido á un Calificador del Santo Oficio.

Idea of the Heresies of the Day: pamphlet in verse without the name of the author or place of impression, attributed to a qualificador of the Holy Office.

Impugnacion de la Doctrina Moral y Política del reverendo Obispo de Orense.

Impugnacion of the Moral and Political Doctrine of the R. Rev. Bishop of Orense.

Impugnacion de las Reflexiones de Don Joaquin Mas : impresas en Cádiz y Valencia.

Impugnacion of the Reflections of Don Joaquin Mas : printed in Cadiz and Valencia.

Incompatibilidad de la Libertad Española con el Establecimiento de la Inquisicion ; por Ingenuo Tostado.

Incompatibility of Spanish Freedom with the establishment of the Inquisition ; by Ingenuo Tostado.

Informe y Pedimento Fiscal sobre el presentado por los Locos ante el supremo Tribunal de la Razon : por Don Andres Gomeri.

Attorney General's Report and Demand respecting that presented by the Mad to the supreme Tribunal of Reason, by D. Andres Gomeri.

Inquisicion Confundida ; Representacion hecha á las Cortes por el P. M. Fr. Andres del Corral ; leida en la sesion pública de 17 de Agosto de 1813, é inserta en las Gazetas de Coruña y Valladolid de 9 de Nov. y 3 de Oct. del mismo año.

Inquisition Confounded ; Representation made to the Cortes by Rector Father Andres del Corral ; read in the public session of Aug. 16, 1813, and inserted in the Gazettes of Corunna and Valladolid of Nov. 9, and Oct. 3, of same year.

INQUISICION SIN MASCARA : impresa en Cádiz.

INQUISITION UNMASKED ; printed in Cadiz.

Inquisicion Vengada.

The Inquisition Avenged.

Insinuacion Patriótica sobre la Necesidad de extinguir los Frayles, por M. N.

Patriotic Hint respecting the Necessity of extinguishing the Friars by M. N.

Insinuacion Patriótica: impresa en Palma año de 1812.

Patriotic Hint: printed in Palma, 1812.

Instalacion de la Cátedra de Constitucion de Valencia; á cargo de Don Nicolas Gareli: impresa en la misma ciudad, año de 1814.

Installation of the Professorship of the Constitution in Valencia; by Don Nicolas Gareli: printed in the same city, 1814.*

Instrucciones para los Representantes de Cortes; por J. C. A.: impreso en Valencia, año de 1811.

Instructions for the Representatives in Cortes; by J. C. A.: printed in Valencia, 1811.

Jansenismo, dedicado al Filósofo Rancio: un tomo en 4to. impreso en Cadiz.

Jansenism, dedicated to the Filosofo Rancio: 1 vol. 4to. printed in Cadiz.

La Luz Pública; por el verdadero Español.

The Public Light; by a true Spaniard.

Letrillas en justo Elogio de la Constitucion.

Lines in just Praise of the Constitution.

Loco Constitucional: periódico de Granada.

The Constitutional Madman: Granada periodical paper.

Manifiesto de Don Simon Bergaño y Villegas: impreso en Palma, año de 1813.

Manifest of Don Simon Bergaño y Villegas: printed in Palma, 1813.

* A professorship was erected in each university for the purpose of teaching and explaining the chief principles of public law involved in the New Constitution.

Marica Constitucional; papel en verso: impreso en Madrid, año de 1814.

Constitutional Song: printed in Madrid, 1814.

Memoria Canónica sobre el Artículo de Rotas; por Don Angel Celdeno Prieto: impreso en Palma, año de 1812.

Canonical Memoir respecting the Article of Rotas; by Don Angel Celdeno Prieto: printed in Palma, 1812.

Minerva Constitucional: periódico de Granada.

Constitutional Minerva: Granada periodical paper.

Noches Romananas en el Sepulcro de los Escipiones; por el Ciudadano Ledesma.

Roman Nights in the Tomb of the Scipios; by Citizen Ledesma.

Noticias Históricas de Don Gaspar Melchor de Jovellanos; su Autor Y. M. de A. M.: Palma, año de 1812.

Historical Facts relating to Don Gaspar Melchor de Jovellanos; written by Y. M. de A. M.: Palma, 1812.

Observaciones Históricas y Críticas, sobre el Origen del Monaquismo.

Historical and Critical Observations on the origin of Monasticism.

Observaciones y Glosas de un Patriota Andaluz á una Carta inserta en el Procurador de 22 Nov. de 1813.

Observations and Comments of an Andalusian Patriot on a Letter inserted in the Procurator of Nov. 22, 1813.

Observaciones sobre los Diaristas de España; por Don Juan Antonio Llorente: Zaragoza, año de 1813.

Observations on the Journalists of Spain ; by Don Juan Antonio Llorente : Zaragoza, 1813.

Observador de Segura : periódico de Murcia del año de 1814.

Observer of Segura : Murcia periodical paper for the year 1814.

Oración Apologética de la Constitucion ; su Autor Don Julian Gonzalez, Canonigo de la Colegiata de Valpuesta : impresa en Vitoria.

Apologetic Oration on the Constitution ; written by Don Julian Gonzalez, Canon of the Collegiate Church of Valpuesta : printed in Vitoria.

Os Rogos de un Gallego.

The Prayers of a Gallician.

Patricio Vera, contestado por Doña Dolores España.

Patrick Vera, answered by Doña Dolores España.

Patriota en Cádiz (El) : comedia.

The Patriot in Cadiz : a comedy.

Patriota en las Cortes : periódico de Cádiz.

The Patriot in the Cortes : Cadiz periodical paper.

Patriota (El) : periódico de Madrid.

The Patriot : Madrid periodical paper.

Poesías Patrióticas.

Patriotic Poems.

Política Eclesiástica ; Noticia de la Conducta del Nuncio de S. S. : Palma, imprenta de Domingo, año de 1813.

Ecclesiastical Policy ; Remarks on the Conduct of the Pope's Nuncio : printed in Palma, in the office of Domingo, 1813.

Política Eclesiástica sobre la Carta Circular del Vicario General de Mallorca, dirigida á los Superiores de las Ordenes Regulares con el fin de procurar la Tranquilidad de los Habitantes de

aquella Isla, interrumpida por los Predicadores que convirtieron la Cátedra del Espíritu Santo en Palestra de Subversion, é Inobediencia al Soberano y á las Legítimas Autoridades. Palma, 1813, en la imprenta de Domingo.

Ecclesiastical Policy respecting the Circular Letter of the Vicar General of Majorca, addressed to the Superiors of the regular Orders for the Purpose of restoring the Tranquility of the Inhabitants of the said Island, interrupted through the Preachers who converted the Pulpit of the Holy Ghost into an Arena of Subversion and Disobedience to the Sovereign and to the Legitimate Authorities: Palma, 1813, in the office of Domingo.

Política Ecclesiástica sobre el Juramento de Obediencia que los Obispos prestan al Papa: Palma, imprenta de Domingo, año de 1813.

Ecclesiastical Policy respecting the Oath of Obedience which the Bishops take to the Pope: Palma, in the office of Domingo, 1813.

Política Natural; dos tomos en 4to. traducidos por un anciano y dados á luz por Pacheco; impresos en Santiago en la imprenta de Montero.

Natural Policy; 2 vols in 4to, translated by an old man and published by Pacheco: printed in Santiago in the office of Montero.

Proces-verbal d'Instalacion de la Loge de Vitoria; folleto impreso en dicha Ciudad.

Proces-verbal of the Installation of the Free-masons' Lodge of Vitoria: pamphlet printed in said city.

Proclama de un Labrador, inserta en el Número 71 del Periódico Político y Mercantil de Reus.

Proclamation of a Farmer, inserted in the 71st No. of the Political and Mercantile Journal of Reus.

Proclama á los Habitantes de las Orillas del Tajo: impresa en Cuenca, año de 1814, en la imprenta de la viuda de la Madrid é hijos.

Proclamation to the Inhabitants of the Banks of the Tagus: printed in Cuenca, 1814, in the office of the widow Madrid and sons.

Profecia que verá puntualmente acreditada la España.

Prophecy which Spain will see punctually fulfilled.

Proyecto para extinguir la Deuda Pública; por Juan Alvarez Guerra: folleto impreso en Cadiz.

Project for extinguishing the Public Debt; by Juan Alvarez Guerra: pamphlet printed in Cadiz.

Prospecto del Diario de Valencia; por Don Tomas Vilanova.

Prospectus of the Diary of Valencia, by Don Thomas Vilanova.

Publicista (El), periódico de Granada, numero 42 del Domingo, 13 de Dec. de 1812, y 127 del Viernes, 7 de Mayo de 1813.

The Publiciste, periodical paper of Granada, No. 42 of Sunday, 13th Dec. 1812, and No. 127 of Friday, 7th of May, 1813.

Pueblo Desengañado (El); Respuesta al Clero Vindicado; su autor Don Fausto Filoteo, Cura Parroco y Doctor en Sagrada Teología: impreso en Madrid, imprenta de Alvarez, año de 1813.

The People Undeceived; in Answer to the Vindicated Clergy, by Don Fausto Filoteo, Parish Curate and Doctor in Sacred Divinity: printed in Madrid, in the office of Alvarez, year 1813.

Pueblo Gallego (El) en el Tribunal de la Inquisicion.

The People of Galicia in the Tribunal of the Inquisition.

Redactor General: periódico de Madrid, Cádiz y Valencia.

Redactor General: periodical paper of Madrid, Cadiz and Valencia.

Reflexiones sobre la Contribucion de Diezmos.

Reflections on the Impost of Tythes.

Reflexiones sobre los Puntos mas importantes en que deben ocuparse las Cortes: Palma, 1810.

Reflections on the most important Points to be considered by the Cortes: Palma, 1810.

Reflexiones Sociales, ó Idea para la Constitucion Española, que un Patriota ofrece á los Representantes de Cortes; por D. J. C. A.

Social Reflections, or Hints for the Spanish Constitution, offered by a Patriot to the Representatives in Cortes; by D. J. C. A.

Reforma de Regulares de España: Palma, imprenta de Domingo, 1813.

Reform of the Regular Orders of Spain: Palma, in the office of Domingo, 1813.

Reglomens de R. S. des Amis Reunis de S. Josef al O. de Vitoria: impreso en la misma ciudad.

Regulations of the Lodge of the United Friends of St. Joseph assembled in Vitoria: printed in the said city.

Reglas de Obediencia para los Pueblos en Tiempo de Disensiones entre las dos Potestades.

Rules of Obedience for the People in Times of Dissensions between the two Powers.

Relacion de la solemne Apertura de la Cátedra de Constitucion en Madrid.

Report of the solemn Opening of the School for teaching the Constitution in Madrid.

Religiosas de Cambray: comedia.

The Nuns of Cambray: a comedy.

Representacion á las Cortes contra el Edicto en que se prohibió el Diccionario Crítico-burlesco; por Don Miguel Garcia de la Madrid.

Remonstrance to the Cortes against the Edict in which the Critico-burlesque Dictionary is prohibited; by Don Miguel Garcia de la Madrid.

Respuesta de Gallardo á la Censura de su Diccionario.
Answer of Gallardo to the Censure passed on his Dictionary.

Respuesta del P. Fr. Andres Corral á su Contemporeaneo Come-pimiento y Escribe-pimiento Fr. Veremundo Andróminas de Cascalaliendre: impreso en Valladolid por los Hermanos Santander, año de 1814.

(As the title of this work hinges upon a pun it cannot be translated.)

Robespierre Español; periódico de la Isla; reimpresso en Madrid.

Spanish Robespierre; periodical paper of La Isla: reprinted in Madrid.

Roma Libre: tragedia.

Rome Free: a tragedy.

Seguidillas á la Entrada de la Regencia.

Verses on the Entry of the Regency.

Segunda Insinuacion Patriótica contra los Frayles de Madrid.

Second Patriotic Hint against the Friars of Madrid.

Segundo Aviso á los Chisperos.

Second Advice to the Chisperos (nickname of the people of Madrid).

Semanario Patriotico; desde el No. 15, periódico de Cádiz.

Semanario Patriótico; from No. 15, a Cadiz periodical paper.

Sermon predicado el 21 de Dec. por D. Ramon Rullan, Presbitero, en la Solemnísima Fiesta consagrada a N. S. del Pilar, en la Parroquia de San Jayme de Mallorca, por varios Amigos y Apasionados de Don Isídoro Antillon, Diputado en Cortes.

Sermon preached on 21st Dec. by Don Ramon Rullan, Priest, in the most solemn Feast consecrated to our Lady of the Pilar, in the Parish Church of St. James in Majorca, and published by various Friends and Admirers of Don Isidore Antillon, Deputy in Cortes.

Serviles y Liberales: comedia.

The Serviles and Liberales: a comedy.

Serviles y Liberales, ó Guerra de los Papeles.

The Serviles and Liberales, or War of the Papers.

Sevilla libre: Palma, imprenta de Domingo.

Seville free: Palma, in the office of Domingo.

Sí de las Niñas (El): comedia.

The Yes of the Maids: a comedy.*

Sistema de la Educacion: un tomo en 8vo.

System of Education: 1 vol. in 8vo.

Tapaboca al Gazetero de la Mancha: Palma año de 1813.

Mouthshutter to the Newsman of La Mancha: Palma, 1813.

Telégrafo Mallorquin: periódico de Palma.

Majorca Telegraph: periodical paper of Palma.

Telégrafo: periódico de Santiago.

The Telegraph: periodical paper of Santiago.

* This is a beautiful Comedy filled with wit and morality, and written by Don L. Moratin, the only dramatic poet the Spanish theatre can now boast.

Teoría de las Cortes; por el ciudadano Don Francisco Martínez Marina, Canónigo de San Isidro: 3 tomos en 4to. marquilla, impresos en Madrid en 1813.

Theory of the Cortes; by citizen Don Francisco Martínez Marina, canon of St. Isidore: 3 vols. 4to. large paper, printed in Madrid, 1813.

Traidor (El): folleto en 4to. impreso en Madrid, año de 1812, sin nombre de autor.

The Traitor: pamphlet in 4to. printed in Madrid, 1812, without the name of the author.

Tribuno del Pueblo Español: periódico de Cádiz y Madrid.

Tribune of the People: periodical paper of Cadiz and Madrid.

Triple Alianza: periódico de Cádiz.

Triple Alliance: Cadiz periodical paper.

Verdad (La), amargue á quien quiera.

The Truth, let it be bitter to whom it may.

Viejo (El) de la Capa Azul: impreso en Valencia, año de 1811.

The Old Man of the Blue Cloak: printed in Valencia.

Vindicacion del benemérito Patriota Argüelles.

Vindication of the deserving Patriot Arguelles.

Viuda de Padilla: tragedia.

The widow of Padilla: a tragedy.

Universal (El): periódico de Madrid.

The Universal: Madrid periodical paper.

Un Consejito prudente á los Liberales.

A little prudent Counsel to the Liberales.

(To be continued.)

“ Wherefore, desirous of repairing by timely remedies the injury that may result to the faithful and to the Catholic religion, from the perusal of the said books, pamphlets, and papers, owing to their being published and circulated in these kingdoms, we have commanded that the same be prohibited and called in, in order that no one may be allowed to sell, read, or retain them, either printed or manuscript, in whatever impression or language they may be, under the penalty of the higher excommunication *latæ sententiæ*, and a fine of two hundred ducats for the expenses of the Holy Office, as well as the other penalties established by law. In consequence whereof, by the tenor of these presents we exhort and require, and, if necessary, by virtue of holy obedience and under the said penalty of higher and pecuniary excommunication, we command, that from the day in which this our edict shall be read and notified to you, or you may know of it in any way whatsoever (we granting and allowing to you the six first and successive days by way of canonical admonition, which term expired, the obligation shall be considered peremptory), that you bring, exhibit, and deliver up to us, or to any of the provincial tribunals or their commissaries residing in their respective districts, all and any of the said books, pamphlets, and papers; that they may forward the same to us, and that you also declare those which other persons may possess and hide. And on your non-compliance therewith and the said term being expired, all who may thus be contumacious and rebellious in not doing and complying with the aforesaid order, we once for all and henceforward lodge on and promulgate against you and each of you the said sentence of higher excommunication, and hold you as having incurred the said censures and penalties; and we here-

by notify to you that we will proceed against you in execution of the same, and as by law we may deem fit. In testimony whereof we decree and publish this our edict, signed with our name, sealed with our seal, and countersigned by the under secretary of His Majesty and of the Council. Madrid, July 22, 1815.

“ (Signed) FRANCISCO XAVIER,

“ Bishop and Inquisitor General.

“ DR. CRISTOVAL DE COS Y VIVERO,

“ Secretary to the King Our Lord, and of the Council.”

Tedious as the above document may appear, it is nevertheless deserving of being known and placed on record, as the best possible criterion of the object and occupations of the Inquisition, and also as a most substantial proof of the credulous ignorance of its members. Scarcely any thing published in Spain during the revolution is excluded from the above list; and the invisible thunders of the Holy Tribunal are not only launched against the readers and holders of any of the preceding works, even though it be a mercantile advertiser, but these same penalties are moreover declared to be on the head of him who knows of any of them being in the possession of another, and fails to inform against him. Was ever such a door opened for the baneful working of enmity and revenge? Under such a system can any one dwell in the bosom of his family divested of alarm, suspicion, and distrust? And let me now ask, what is it these Inquisitorial censures amount to? They are nearly equivalent to a decree of outlawry in other countries, as in the course of the present work the reader will have occasion to notice. From their grasp the favourite of a prince cannot escape, nay even monarchs have fallen under them. And can this be a proper

penalty for his Catholic Majesty's Supreme Council of the Inquisition to decree either against the writer or reader of columns, chiefly destined to recount the heroic actions of his subjects in defence of their country and his throne? Can the prohibition of such a set of works conduce either to the honour or advantage of religion? A writer of great eminence has observed "that to prohibit the reading of certain books, is to declare the inhabitants of the country to be either fools or slaves:" what then would he have said if the preceding list had fallen into his hands? Melancholy as the reflection must be to those who, as it were, once held the destinies of Spain in their own hands, the Inquisition has been re-established to make war against the intellectual knowledge Spain had acquired by her late intercourse with foreigners, and to bury civil liberty, together with the arts and sciences, in the grave of a false and mistaken piety. This great work is fast advancing, as may be imagined by the single fact we deem it necessary to mention; viz. that during the time of the Cortes forty periodical papers were regularly published in European Spain, as may be seen from the preceding list, besides several others, therein omitted, whereas the whole have now been superseded by the *Gazeta de Madrid*, published twice a week, the *Diario* of the same place, and the *Mercurio* which appears only once in each month. In addition to this every foreign paper is prohibited, particularly English ones.*

* To render the debasement of Spain still more complete, by a recent decree of Don Pedro Cevallos, public education has been confided to the nuns and friars; and the bishops are besides busied in teaching the subject his duties to the king, by the publication of catechisms and pastoral letters which would disgrace the ninth century.

The way had already been paved for the preceding edict by another addressed by the Inquisitor General to the respective districts of all the Spanish dominions in Europe and America, the material part of which we shall also insert.

“ We Don Francisco Xavier Mier y Campillo, by the grace of God and of the Holy Apostolic See, Bishop of Almeria, Knight of the Royal and Distinguished Spanish Order of Charles III., Member of His Majesty’s Council, and Inquisitor General of his Kingdoms and Lordships,

“ To all the faithful inhabitants of these kingdoms, health in our Lord Jesus Christ. We are all astonished at and deplore with the greatest reason, the horrid ravages caused on our soil by the barbarity and fierceness of our enemies, which will be transmitted to distant generations in the multitude of ruins which strike the eye from one extreme of the kingdom to the other ; but however great these evils may be, as well as the desolation to which whole towns have been reduced, together with numberless families of all conditions and classes, we have still to deplore another evil incomparably greater, with which Divine Providence has punished our sins ; for, though poverty, misery, widowhood, orphanage, as well as other kinds of unhappiness, justly excite pain and regret, they cannot in any way be compared with that we ought to feel at the loss of our holy faith, and of the ineffable consolations with which, in the midst of the greatest afflictions and calamities, the religion of Jesus Christ upholds and comforts us. We will not say that this has abandoned sad and afflicted Spain, nor that its holy law and the observance of its precepts have disappeared from among us ; thanks to the

infinite mercies of the Lord who has punished us as a father, he always preserved in his inheritance zealous workmen and faithful servants who watched and laboured for the glory of his holy name and for the honour of his true spouse, the Catholic, Apostolic, and Roman Church; but we all behold with horror the rapid progress of incredulity and the dreadful corruption of manners which have contaminated the Spanish soil, and of which the piety and religious zeal of our forefathers would be ashamed, seeing that the same errors and new and dangerous doctrines which have miserably destroyed the greatest part of Europe, infest their beloved country, and that the youth drink, like water, this pestiferous venom, for the very reason that it flatters their passions and senses.

“ The compassionate heart of our Sovereign was moved, at his return from captivity, on beholding this our sad situation, and with a holy zeal he excited that of all ecclesiastical and secular authorities, in order to extirpate so great a scandal, and, in imitation of him, all the good deplore that many of their children have given ear, as heathen Rome once did, to the errors of all nations.

“ Under circumstances unfortunately too notorious, it is not strange, that all the lovers of religion should turn their eyes to the Holy Tribunal of the Faith, and hope, from its zeal for the purity of doctrine and manners, that it will remedy, by the discharge of its sacred ministry, so many evils, through the ways and means granted to it by the Apostolic and Royal Authority with which it is invested. Nothing more urgent to the truth nor more conformable to our institution, for in vain should we be centinels of the House of the Lord, if we were to remain asleep in

the midst of the common danger to religion and our country. God will not permit us thus basely to abandon his cause, nor to correspond so ill to the exalted piety with which the King our Lord has re-established us in the weighty functions of our ministry, in which we have sworn to be superior to all human respect, whether it be necessary to watch, persuade, and correct, or whether to separate, cut, or tear down the rotten members in order that they may not infect the sound ones.

“ But, in order to proceed in so delicate as well as important and necessary an operation, we will not imitate the ardent zeal of the Apostles when they asked of Jesus Christ to cause fire to rain down from heaven to destroy Samaria, but rather the meekness of their Master and Guide, of which certainly those are ignorant who wish us to commence our functions with fire and sword, by anathematizing and dividing, as the only remedy to save the sacred deposit of the faith, and choak up the bad seed so abundantly scattered on our soil, as well by the immoral band of Jews and sectaries who have profaned it, as the unfortunate liberty of writing, copying, and publishing their errors. Our resolution has been very different since we have mediated and carefully deliberated the matter with the ministers of the Council of His Majesty, and of the Supreme and General Inquisition: all having unanimously agreed, that now as well as ever, moderation, sweetness, and charity ought to shine forth as forming the character of the Holy Office; and that before using the power of the sword granted to us against the contumacious and rebellious, we ought to attract them with sweetness, by presenting to them the olive-branch, the symbol of our pacific wishes towards those who go so far as to abhor peace. To

this we have been moved, not only by the practice of the Church, which has frequently been indulgent and mitigated the rigour of the penalties when the guilty were numerous, but also by a knowledge of the circumstances under which seduction and deceit have fatally triumphed over the simplicity, and above all, the confidence by which we were actuated; yet if the hearts of many Spaniards were capable of being surprised in moments of darkness and a general overthrow of ideas, they will not have been hardened or rendered insensible to the calls of religion, nor can they have forgotten their former principles.

“ Wherefore, far from adopting for the present, measures of severity and rigour against the guilty, we have determined to grant them, as we hereby do grant, a term of grace, which shall be from the date of the publication of this our edict, till the last day inclusive of this year, in order that all persons of both sexes who unfortunately may have fallen into the crime of heresy, or feel themselves guilty of any error against which our Mother the Church believes and teaches, or of any hidden crime whose cognizance belongs to the Holy Office, may recur to the latter and discharge their consciences and abjure their errors, under the security and assurance of the most inviolable secrecy; and on the same being done within the time prefixed, accompanied by a sincere, entire, and true manifestation of all they may know and remember against themselves as well as against others, they shall be charitably received, absolved, and incorporated into the bosom of our Holy Mother the Church, without their thereby having to apprehend the infliction of the punishments ordained, nor the injury of their honour, character, and reputation, and still less the privation of the whole or any part of their property,

since for those cases in which they ought to lose it, and the same ought to be applied to the Exchequer and Treasury of His Majesty, in conformity to the laws of these Kingdoms, His Majesty using his natural clemency, and preferring the spiritual felicity of his vassals to the interests of his Royal Exchequer, exempts them for the present from this penalty, and grants them grace and pardon whereby they may retain and preserve the said property, on condition that they appear within the time prefixed, accompanied with the necessary disposition for a true reconciliation, &c. &c.

“ Madrid, April 5, 1815.”

The foregoing papers, which have been selected from several others of a similar stamp, sufficiently evince that the modern Inquisition of Spain knows little of the force contained in the advice of the amiable Fenelon, when he recommended liberty of conscience being given to all men, “not as if all opinions are alike indifferent, but that it is our duty patiently to permit that which God permits, and to lead men from the deviations of error by the sweet and gentle powers of persuasion.” With such testimonies before him, no one besides will hesitate to say, that the Inquisition has been restored, and is now used, for the worst political purposes; and that this event was no other than the prelude of the most abject degradation. The feelings of Europe possibly may not be revolted with public autos of the faith, but the secret halls of torture already do and have witnessed the repetition of those scenes to which they were before appropriated, and the solitary cells again contain their customary occupants.

The present picture of Spain, under the influence of the Inquisition, is still marked with darker colours.

Already that sullen indolence and indifference which exclude every principle of activity have superseded those growing energies arising out of an extension of just rights, and the people participating in the formation of their own laws. A dreary silence pervades the whole community; each one is afraid of his neighbour, and though mutually linked by nature, no confidence prevails; every face wears the aspect of fear and distrust. In the closet, in the church, and in the public square, every one is on his guard, and trembles for the present or the past.

If such then is the situation of Spain, and if the chief coadjutor of this fresh degradation has been the restored Inquisition, the British public must not only feel sympathy for its victims, but an anxious wish must also prevail to know the nature and tendency of that tribunal from an authentic source. England, only eight years ago, glowed with enthusiastic ardour at the sight of a whole people rising in arms to repel an invader, and intent on improving the favourable circumstances in which they were placed, by securing to themselves internal reform. In joining the struggle, Britons also hoped that the intercourse and friendship which followed would hereafter be favourable to liberality and freedom, and that, at least, cordial gratitude would be the result of the many sacrifices they had hastened to make. If, however, the antecedent documents are attentively noticed, they will be found levelled with a view to efface every moral vestige of Britons from the soil of Iberia, and to excite virulent animosity against her liberators, by rousing and sanctioning popular prejudices of the most baneful and inhospitable kind. The main object of a glorious and necessary revolution is thence completely defeated, and regardless of those offices of national confidence

which otherwise would have resulted, that country is now rendered impervious to the access of Britons which lately constituted the theatre of their martial glories; for what man could repose in quiet upon his pillow who has heard the above inquisitorial edicts, and others which we have no room to insert, read from the pulpit, and knows their execution is confided to the numerous and mercenary spies with which every town and village is crowded?

Sufficient has already been said to prove that the Cortes were the only constitutional body authorised to adopt such a measure as the overthrow of the Inquisition, as well as the many others undertaken to promote the political resurrection of the country over which they presided. The numerous felicitations poured in on the occasion establish the fact, that the general sense of the nation was in favour of the abolition of a tribunal that had always constituted the most terrible and disgraceful feature in the ecclesiastical history of Spain; and it is some consolation to know, that a large portion of the inhabitants were sensible of its defects, struggled for its proscription, and that even Spanish authors, of course themselves Catholics, unawed by the threats of its upholders, and despising the personal danger to which they were exposed, dared to tear the mask from this accumulation of fraud and hypocrisy which had extinguished, or at least, neutralized, in the people, those sentiments of justice and probity which form the basis of social order. Time, the great arbiter of political calculations, has yet to unfold, whether to impede the restoration of the Inquisition in Spain would not have been an object deserving of the consideration of a Protestant government, and whether its accomplishment would not

have stood on a parallel with the humane abolition of the Slave Trade, and the glorious extinction of piracy in Algiers.

Many united motives therefore concur to render the work which chiefly contributed to the temporary overthrow of the Inquisition in Spain, acceptable to British readers. No one composition on the same subject is in our possession that can be deemed complete and authentic, nor indeed could a Spaniard have undertaken the task before the late revolution, when the archives of the tribunal were for the first time opened. The Inquisition Unmasked was written in Cadiz, during the freedom of the press, and when nearly every thing enlightened in Spain was concentrated there. Its object was to prepare the minds of the people for the deliberations of the national legislature in this respect, and it certainly had the desired effect. It supplied arguments and proofs on which reliance could be placed, because they were supported by authorities, unexceptionable even to the most sceptic.

The present work, whilst it constitutes a correct detail of facts which exhibit an enormous degree of atrocity, enters into the spirit of those laws and statutes by which the Inquisition is governed, and developes the nature as well as the extent of the ravages produced by inquisitorial vengeance, as far as they can be ascertained, a point established by no preceding labours. It displays, in chronological order, the various struggles of the Spanish nation to dislodge this potent enemy of their domestic peace, supported by a variety of historical traits to which no foreigner could have access.

The author has preferred the form of a dissertation to that of a history, because it was more congenial to his views. He was aware that history is chiefly a de-

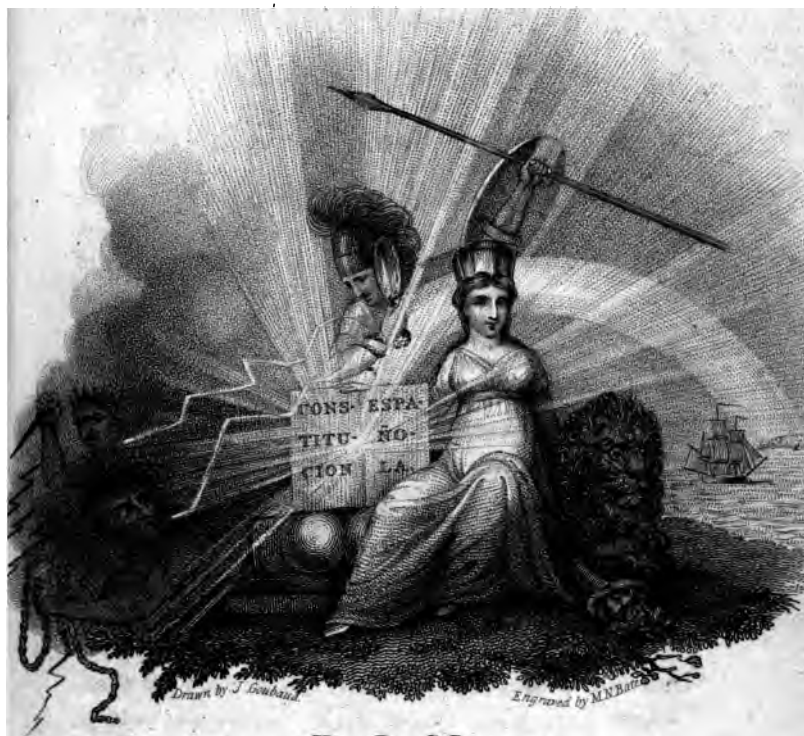
tail of facts, and its object the simple instruction of the reader: consequently it was not capable of forming the portrait of an establishment, whose nature is constituted more by its laws than the conduct of its ministers. If he had treated the subject as an historian, he would not have been able to examine the system of the tribunal in a full and philosophic manner, which, under existing circumstances, was indispensably requisite, since the partisans of the Inquisition with whom he had to contend, would never have been convinced, however its abuses had been discovered, if the defects of its constitution had not equally been placed in a light even stronger than that of noon-day. History besides chiefly serves to clear up what is obscure, but our author had to form correct notions of what was dubious, and, after repelling the sophisms of his adversaries, and undeceiving the people, to inspire them with a just odium of the Inquisition by arguments which bore conviction to their very minds. Hence oratorical aid was occasionally necessary, and this could only take place in a composition under the form of a discourse, or academical dissertation.

If, as Britons, we beheld the downfall of the Inquisition with feelings of joy, its re-establishment must consequently now be a subject of regret; but, whilst we have occasion to lament such a gross perversion of the word of God, and to shudder at the cruelties of those who, with their hands red in blood, pretend to be the disciples of a crucified Lord, our interest must naturally make us anxious to possess an account on which we can rely. Astonished that the advocates of such a tribunal should have found authority in the Scriptures and support in the Holy Fathers, in vain have we looked over the many pieces published on the subject; some we found filled with

romance, others with the sufferings of individuals, or compiled from mutilated and dubious materials. Nothing hitherto had given us a full and comprehensive view, or explained the whole fabric and component parts of this Institution, because few have had the means of deliberately viewing it within. It is only since various recondite transactions of the Holy Office have been torn down from shelves on which they had slept for ages, that it has been possible to give an outline of the conduct of its ministers; or from the time that in Spain some patriotic Inquisitors themselves have been emulous in opening authentic records, to overturn an establishment to which they formerly had longed.

The present publication is consequently offered to British readers with a greater degree of confidence than usually accompanies works of the day. The translation has been performed from a MS. and enlarged copy of the author, with all possible fidelity, but under those difficulties arising out of occasional peculiarities of idiom, or the stile or construction of the original, particularly in quotations from old authors, juridical terms, or such as are technical in an institution with which happily we are not familiar. In the original the subject is divided into Reflections, but we have preferred adopting the usual denomination of Chapters. Two notes have been omitted, one in the Vth and the other in the VIIth Chapter, owing to the impossibility of giving them an adequate version and their not being deemed essential. The plates may be considered as the only genuine representations hitherto laid before the public.

W. W.



D. O. M.

TO THE IMMORTAL MEMORY

OF THE

GENERAL AND EXTRAORDINARY CORTES

OF THE SPANISH NATION

DEFENDERS OF THE INDEPENDENCE

AND

FOUNDERS OF THE CIVIL LIBERTY

OF THEIR COUNTRY

THIS WORK IS DEDICATED

BY ITS AUTHOR.

ANNO MDCCCXIV.

ORIGINAL PREFACE.

WHEN I attempt radically to destroy the Inquisition, I conceive I am complying with one of the chief duties imposed on every citizen by the united mandate of religion and humanity, both hitherto so long and so atrociously outraged by the existence of such a tribunal. Would to God that, in exhibiting the defects of its constitution, and the corrupt practices which have emanated therefrom, my endeavours could answer the extent of my wishes, and produce an effect corresponding to the manner in which my own sensibility has been excited on exploring authentic details filled with the enormity of so many vices and abuses.

Notwithstanding only four months have been expended in the investigation of documents capable of throwing light on so obscure a subject, I nevertheless hope to be able to lay before the public such a fund of

information as will be sufficient to determine its opinion. During this interval, as writings have not ceased to appear, either for or against this establishment, the authors of the latter will have furnished me with some hints and reflections of which I shall not fail to avail myself when I bring my arguments to the test of evidence. The satisfaction I should have derived from presenting them as new, will be compensated by the suggestion of others arising out of these same writings, and which possibly would not otherwise have occurred to me. Even the apologists of the tribunal, whom I shall occasionally stop to refute, will contribute to elucidate my assertions; for the nature of a cause is frequently also known by the manner in which its partisans defend it.

I cannot however flatter myself with having given all the necessary polish to my labours, or therein attained more than ordinary perfection; but if it is at any time true that the most humble endeavours are praiseworthy in a good cause, this is certainly the case at the present juncture, when the August Congress of the nation is about to deliberate respecting the suppression or permanency of

the Inquisition. The defects therefore of the present work, which with some degree of violence to my own feelings I lay before the public in a less perfect state than I could have wished, will, it is hoped; be attributed to the pressure of the moment, urged as I have been by my anxiety to co-operate, as much as is in my power, to the happy issue of so important a discussion.

I am fully aware that numbers of plodding writers will rise up against me, who, clinging to their old prejudices, will omit nothing to retard the day which at length must arrive, when we shall behold this Colossus dashed to the ground; this Colossus which has ever been the tutelar genius of all kinds of ignorance and vice: but their sophisms can never cloud the face of truth, nor shall I be startled by the impotent railings to which they usually resort. The dogs bark, but the moon, moving in her celestial orbit, keeps on her majestic course, nor does the audacity of her enemies cause her for an instant to withhold her light.

Cádiz, Oct. 15, 1811.



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ERRATA.

VOL. I.

- Page 22, note + line 5, *for Abrahamæ read Abrahæ.*
255, note + line 5, *for a half read a quarter.*
259, note * line 2, *for serior read verior.*

VOL. II.

- Page 25, line penult. *for Renato Polo read Reginald Pole.*
33, line 18, *for Pince read Prince.*
33, line penult. *for Teregui read Yéregui.*
264, line 5, *for seventh read sixth.*
207, line 21, *for dagger read halter.*
331, third line from top, the paragraph beginning "In the same year" to "office" p. 334, ought to be introduced after "perpetuated," p. 326.
381, line 20, *for 15th read 16th.*

THE
INQUISITION UNMASKED.

INTRODUCTION.

UNDER a well-constituted government ought not the doctrine and observance of religion to be maintained in all their purity and vigour? An affirmative answer to this question is the immediate and necessary consequence of an incontrovertible axiom in politics, viz. that there never did nor can exist any social union deserving of that name, unless the belief of the Divinity, manifested by an exterior worship, previously secures the reciprocal confidence of the citizens, unceasingly stimulates them to the observance of the laws, and restrains their individual passions within the bounds of general good. To the French alone, in the dilirium of a revolution which began with scandal and ended in ignominy, was it reserved to doubt the truth of this position. It was only amidst

the anthropophagi of the convention that a Boissy d'Anglas could have boasted that he had banished the respect due to the Divinity from the legislative code, or proved that religion was foreign to social organization. Unfortunate victory! shameful triumph! if such terms can be applied to the temerity of an ignorant and ferocious mind! The necessity, therefore, of the existence of a religion in every social state is undeniable; or rather, it is amply proved by the united testimony of history and experience. All nations of the globe, ancient as well as modern, from the enduring Spaniard to the ceremonious Chinese, from the ungovernable Indian of Chili to the secluded savage of Canada; all are filled with profound veneration at the idea of a superior Being; all practise some consecrated rites to invoke his beneficence and appease his anger; all sanction their alliances with his mediation; and all, in short, are possessed of religion.

And, in fact, what object could present itself to the imagination more melancholy than a people without a God? To such an one the bonds of good faith, of justice, as well as every kind of virtue, would appear as vain and ridiculous phantoms. Under such a

constitution of things how could man value the rights of others, and hold them as sacred, when he did not conceive himself indebted to the supreme Being for the very existence he had thence received? The ties which bind mortals to the Divinity are the true origin and supreme cause of the obligations which unite men to each other; if, therefore, that religion which discovers and sanctions them is taken away, would not the most irrefragable principles of morality be rendered illusive? Besides, in a numerous society of such a kind, who would be able to set bounds to the torrent of vices which impiety drags after it? Would not disorders increase, in proportion to the greater number of individuals of whom such a society was composed, and to the irreconcilable discordancy of wills which the increasing divergency of interests would incessantly produce?

The atheist is a consummate egotist, who, obstinately disregarding the bounds within which honour and shame had placed him, mechanically follows the violent impulse of his own inordinate desires, has no other measure for his actions than the unlimited extent of his own welfare; and, resting his whole happiness on the pleasures of the moment,

knows no other right than force, no other courage than rashness. He is a feverish invalid, who, despising the inexhaustible streams of Divine goodness, for an instant quenches his thirst out of the cup which his sensual appetite presents, and immediately after again thirsts. He is a being insupportable to himself, detestable to others, and continually exposed to become the victim of despair or the vengeance of others. And, if the outline of the man destitute of religion is thus gloomy, how much more horrid must be the picture representing a multitude of similar beings? An association of men in which the influence of this sovereign and benign virtue has no share, far from being considered as a people, would be rather called a herd of tigers, more savage than those which dwell in caverns, because they had degenerated from the nobleness of their primitive nature; and because they would make no other use of their liberty than to tear each other to pieces. It is, consequently, an undoubted fact that when atheism severs the invisible chain which unites the human race to their Creator, from that moment the most holy and advantageous laws remain without authority; the links which

bind each citizen to the other are broken; and the political body, after struggling with a dreadful convulsion, would finally experience a total dissolution.*

On the contrary, how beautiful is the appearance of a country when religion shines in its hemisphere! Wherever this benign star

* Cicero, "De Nat. Deor." lib. i. *Pietate adversus Deos sublata, fides etiam et societas humani generis, et excellentissima virtus justitia tollitur.*—The literati who, in detriment to true philosophy, suffer atheism to enter into their hearts, even when through the effects of education they should not approve of the excesses just described, are not on that account more useful to society. J. J. Rousseau, whose testimony, in their opinion, cannot be held as suspicious, in his *Emile*, vol. 3, says of them as follows: "Irreligion and a too philosophical spirit in general attaches us to life, enervates and debases the soul, concentrates all our passions in self-interest, and thus saps the foundations of society. If atheism be not so sanguinary, it is less out of a love to peace than from an indifference to virtue;—let the world go how it will, it little concerns these pretended sages, provided they can loll at ease in their closets. Their principles do not indeed excite them to slaughter mankind, but they prevent them from adding to their number by corrupting the manners which tend to their increase; by detaching themselves from their species, and reducing all their affections to a selfish egotism as fatal to population as it is to virtue. The indifference of the philosopher resembles the tranquillity of a state under a despotic government; it is the tranquillity of death, and more destructive than war itself."

triumphantly reigns, reason governs with more efficient authority, because thence she derives her origin and power ;—there nature speaks, and is more promptly heard, because religion makes her voice more sonorous and penetrating; and the right of property is generally more respected, because God, to whom all creatures belong, by the seal of religion legalises the titles which the wisdom of legislators introduced to acquire it. Thus man, under the auspices of this transcendant virtue, whether he is considered in the different periods of life, or viewed in the various situations of fortune; whether he is contemplated as a private individual or beheld as a member of the civil body; in his actions and in his person, at all times emits some rays of that clear light issuing from the throne of the Supreme, and participates, in some degree, of the immense happiness which surrounds it. Yet these benefits would in vain be sought where impiety wields her iron sceptre.

The tender infant reclined on the maternal bosom feasts on the milk which, by giving vigour to its delicate members, is to crown the yet imperfect work of generation; and smiling quits its hold on the flowing breast, whilst its lips, still bedewed with the sweetest

nectar, exercise the power of speech by the articulations religion hastens to inspire; which, if it does not yet comprehend, its innocent heart already repeats with pleasure. The robust youth, whose passions like an ungovernable horse threaten to dash him down the fatal precipice, and on every side shut out the road to happiness, in religion finds an internal voice that gives him comfort, another soul that animates his own, as well as an irresistible arm that restrains and directs his passions till their ferocity is at length broken. The weak old man, bent down by the weight of years and fast approaching to the end of his career, discovers in religion a staff to support his trembling steps; and thus comforted descends to the grave that he may rest from the fatigues of a long journey.

Finally, every citizen, in whatever conflict his country may be plunged, finds ample sources of consolation in the temple of the Divinity. If the venerable magistrate, prostrate before the altar, raises to the throne of the God of mercies the prayers and sighs of a people labouring under the ravages of a desolating plague, he soon returns their joyful and respectful homage on the re-establishment of public health. If the city was lately

pressed by a powerful enemy and filled with consternation, the war-like conqueror, borne in triumph amidst the martial pomp and festive acclamations of his fellow citizens and the solemn canticles of the ministers of the sanctuary, bows his laurel-crowned head before the God of battles, and offers to him the trophies due to his protection, by erecting them into an eternal monument of piety and gratitude. Man, in short, in whatever state he may be considered, as well as in every period and vicissitude of life, experiences in religion an efficacious antidote against the ills which oppress him, a shield that blunts the darts of his enemies, and an asylum into which they can never enter. In every event of fortune it excites in his soul a sublimity of ideas by pointing out to him the just Judge, who, as an attentive spectator of his conflicts, is about to reward him with his inestimable approbation. Religion, also, in the darkest tempest appears to man as the Iris of peace, and, dissipating the dark and angry storm, restores the wished-for calm, and brings him to the port of safety.

In conformity, therefore, to the experience of every age and nation as well as in strict accord with reason, we may justly conclude,

that no well-organised system of legislation can possibly exist capable of guaranteeing the protection of the citizen, or indeed any society deserving of that name, without a conscience, morality, and religion; and that it is particularly the latter which abundantly pours down the most inestimable benefits on the political body at large, as well as on each of its members. And, if religion ought to form the first foundation of all civil institutions; if the means which are to preserve it in its native purity and splendour ought to go hand in hand with the laws by which it is established; and finally, if in the new order of things to which Providence calls a great nation, one that has sworn eternal hatred to despotism and its long-endured grievances, the Christian and Catholic religion maintained with becoming dignity is to add lustre to national improvement and liberty; is it to the Inquisition, as heretofore, that the guardianship of such a religion ought to be confided? Are the governing plans on which this tribunal is founded, and the method therein adopted for the trial of causes, such as to deserve the confidence of the Spanish people? Are they conformable to the spirit of Christianity, to the maxims of sound policy, and the

dictates of justice and equity? and are they, for that same reason, capable of conferring honour on religion, as well as on the members who profess it? Does the conduct it has observed from the period of its establishment render it deserving of this confidence? Most assuredly no; as we shall amply prove in the subsequent reflections, which may be classed under the following heads:

1st. The Inquisition being an ecclesiastical tribunal, its rigour is incompatible with the spirit of meekness which ought to distinguish the ministers of the Gospel.

2d. The system of rigour adopted by this tribunal is opposed to the doctrine of the Holy Fathers, and the discipline of the Church in its most happy times.

3d. The Inquisition, far from contributing to the preservation of the true belief, is only suited to encourage hypocrisy and excite the people to rebellion.

4th. The form of trial used in this tribunal tramples on all the rights of the citizen.

5th. The Inquisition has not only obstructed the progress of science in the countries wherein it has been established, but has also propagated pernicious errors.

6th. This tribunal has supported the despotism of kings, and has itself exercised it.

7th. As the Inquisition owes its origin to the decline of the discipline and remissness of the clergy, it opposes obstacles to their reform, which is indispensably necessary if the nation is to prosper.

From the general results of the above reflections we shall prove the necessity of suppressing the Inquisition, in like manner as what we have already said tends to demonstrate how essential it is that religion should be worthily protected. In order, however, that the reader may be better prepared to follow us through so vast and unknown a subject, we shall prefix a short account of the establishment and government of this tribunal, which will greatly facilitate the other points we are about to elucidate.

The tribunal of the Inquisition was established in 1204, by Pope Innocent III. a monk of the order of St. Benedict, for the purpose of persecuting heretics, but most especially the Albigenses. I pointedly advert to this Pope, being a regular priest; though I shall afterwards notice that it was others who most promoted this establishment, as this accords with my object in view. The

criminal code of this institution is founded on the laws of the Decretals, which, respecting crimes of heresy, are peculiar in themselves. In the course of time the cognizance of other crimes was added to it, in consequence of their being supposed to have some affinity with, or bearing suspicion of, heresy : such as heretical blasphemy, witchcraft, belief in omens, confessional seduction, and even polygamy and sodomy. It also vindicates the injuries done to its dependents, as well as any attempts against the free use of its jurisdiction, which, besides being privileged, is, at the same time, spiritual and temporal, as being delegated jointly from the sovereign pontiff and the king. It likewise promotes, by means of civil process, and formerly by ecclesiastical censures, the seizure of property confiscated by itself; and delivers over condemned and excommunicated culprits to the secular magistrate, in order that he may execute upon them the sentence of death prescribed by the law, when they have been pronounced contumacious, or have relapsed a second time.

Under this plan the Inquisition was established in Thoulouse, in 1229, where it was first given in charge to the monks of the

Cistercian order, and afterwards, in 1233, to the Dominicans. Innocent IV. extended it to all Italy except Naples, where its introduction was always opposed. In Italy and even in Rome itself, it soon declined, till in 1545, it was restored by Paul III., who created the Congregation of the Inquisition composed of Cardinals presided by the Pope. In the same year, (1233) it was brought from Thoulouse to Spain, by the Dominican Raymond of Penafort; but did not go out of the kingdom of Aragon, till after its union with that of Castile, when in the year 1480, it was established in Seville by their Catholic Majesties Ferdinand and Isabella, under an authority from Sixtus IV., of the Franciscan order. Fathers John de San Martin and Michael Morillo, both Dominicans, were named the first inquisitors; and in 1483, father Thomas de Torquemada, confessor to the queen and prior of the convent of Santa Cruz de Segovia, also of the same order, was made inquisitor general. It was he who, in an assembly convened for that purpose, formed the inquisitorial regulations, which are yet in force, but with some variation. Portugal adopted it in 1536, not through the intrigues of a false Nuncio, as is generally believed, but at the

request of John III., and by grant of Clement VII. It was admitted into Venice, though under certain limitations, in 1289, and afterwards extended to Germany and other European states; and latterly, in 1571, Philip II. introduced it into America. At present, it only exists in the monarchies of Spain and Portugal; and indeed in the latter it may be considered as almost abolished, since the reform it underwent in 1774, during the ministry of the Marquis de Pombal.

This institution has a council established at court, under the title of Supreme and General Inquisition, and the other provincial tribunals are dependent on this council. This is composed of a president, the Inquisitor General of Spain and the Indies, who is generally a bishop or archbishop, and of eight ecclesiastical counsellors as members, six belonging to the secular clergy, of whom the youngest officiates as fiscal-proctor in behalf of the bench. Of the other two, one is always a Dominican, according to privilege granted to that order by Philip III.; and the other is chosen by turns out of the other religious orders, as regulated by Charles III. Besides the above, two counsellors of Castile attend

when they are called, which is only in cases purely civil. Its officers and subalterns are a fiscal-proctor; two secretaries; two, and sometimes three, reporters; a treasurer, usually called receiver; an accomptant; one chief, and two inferior bailiffs; and also several theologians called qualificators, who decide on matters of faith, and examine all doctrines and propositions. The provincial tribunals have three and sometimes four inquisitors of the secular clergy; one proctor, who is always the youngest of the above; three or four secretaries of the chamber of secresy; another for sequestrations and all civil matters; a receiver or treasurer; one accomptant; one chief bailiff; and two inferior ones; together with other dependents called commissaries and familiars, who, scattered throughout the district of each of the tribunals, serve to fulfil their orders. They have also qualificators, similar to those described as belonging to the supreme council, as well as counsellors, who are lawyers, and are consulted on points of law; however, at present, these only are on the establishments of America, and are generally members of the Audiencias or high courts of justice in that country.

Of these tribunals there are sixteen in Spain, viz. the territorial one of Madrid, also called that of the court; one in Seville, Toledo, Cordova, Zaragoza, Barcelona, Valencia, Santiago, Murcia, Valladolid, Cuença, Granada, Llerena, Logrono, Majorca, and the Canary Islands. In America there are three, viz. in Mexico, Lima, and Carthagená.

The Inquisitor General is named by the King, and confirmed by the Pope; but the simple approbation of his Majesty is sufficient to confer the dignity of counsellor or member of the supreme council; and the inquisitors themselves, without any previous consultation, elect their own officers and other dependents. The diocesan bishop also sends his coadjutor, or some other ecclesiastic, to the tribunal within his district, as his own representative, who acts in the quality of associate judge, jointly with those named by the Inquisitor General.* Such, in substance,

* For the historical facts of the above, vide Luis Páramo, *De Origine S. Inquisit.* lib. ii. tit. ii. cap. 8, n. 2.—Sousa, *De Orig. Inquisit. Lusit.*—Juan de Solórzano, *Política Indiana*, tom. ii. lib. iv. cap. xxiv.—Fra Paolo Sarpi, *Discorse dell' Origine, Forma, Leggi ed Uso dell' Officio della Inquisizione nella città e Dominio di*

is the origin and form of the establishment we are about to consider, under the various heads pointed out.

Venezia.—Fleury, *Hist. Eccles.* liv. vii. n. 54; and Don Juan Antonio Llorente, *Anales de la Inquisicion*, tom. i. cap. ii. n. 25 and 69.

CHAPTER I.

The Inquisition being an ecclesiastical Tribunal, its Rigour is incompatible with the Spirit of Meekness which ought to distinguish the Ministers of the Gospel.

IF establishments, which by their nature are destined to extend their influence to the most remote nations and posterity in the means they adopt for their preservation, can never deviate from the rules under which they were first formed without losing sight of their primitive object, and incurring inevitable ruin, it becomes an indubitable fact that no other than measures of meekness and persuasion ought to be adopted worthily to sustain the religion of Jesus Christ; and that, on the contrary, coercion and rigour, far from contributing to its support, only render it odious. Nothing is more palpable in the Gospel, and other books of the New Testament, than the benignity therein breathed; this is the virtue that renders their language

so pleasing, that gives to the new law so much lustre over the old ones, that forms one of its most prominent features, and communicates to it an attraction so powerful that the human understanding can no longer resist, when it is examined with candour.

"Learn of me," said Jesus Christ, when he proposed himself as a model for his disciples, "for I am meek, and humble of heart."* Could he have given to the world a more striking proof that meekness was the basis of his religion, than by presenting himself as an astonishing example of this virtue, in his own sufferings on the cross? Affixed to that elevated instrument of pain, our great master of morality, with extended arms, and as if anxious that all nations of the earth, from either pole, should hear his last practical lesson, invokes pardon for those who crucified him. And if Jesus Christ, in the face of all nature, bestowed kindness on his very murderers, and if he evinced such predilection for this virtue as to seal his last farewell with this lesson, and used it as a most energetic epilogue to his long and painful preaching,

* S. Matth. cap. xi. v. 29. "*Discite a me, quia mitis sum et humilis corde.*"

must it not evidently follow that the rigour practised against those who have strayed from the fold is opposed to the spirit of his church? On the contrary, and in accord with his principles of mildness, our Redeemer commanded his apostles to shake the dust off their shoes, when they were not admitted into any city; thus protesting to its inhabitants, that they had, on their part, complied with their mission, and announcing to them the chastisements of God for having despised his word.* On this account, when James and John sought to call down fire from heaven on Samaria, as a punishment for not having received them, he reproved their indiscreet zeal, by observing that they did not know the spirit which animated them, for certainly such a spirit of vengeance was not suited to the truths they were about to preach.† In order, also, that it may not be understood that this

* S. Luc. cap. x. v. 10. "*In quamcumque autem civitatem intraveritis, et non susceperint vos, exeuntes in plateas ejus dicite: Etiam pulverem qui adhæsit nobis de civitate vestra, extergimus in vos; tamen hoc scitote quia appropinquavit regnum Dei.*"

† S. Luc. cap. ix. v. 55. "*Nescitis cujus spiritus estis. Filius hominis non venit animas perdere, sed salvare.*"

plan of meekness is confined to those who have not yet embraced the faith, it ought to be remarked that the punishment assigned by Jesus Christ to the apostate is no other than that of excluding him from the church, and reputing him of the same class as the heathen and publican.*

In proof of this, when some of his disciples, scandalized at hearing that his body and blood were real food and drink, ceased to follow him, believing him an impostor, he neither obliged them to return nor sought to retain those who were left behind, but left all at full liberty. Addressing himself then to St. Peter, through him he asked the whole of his disciples, "Do ye also wish to go away?" as if he had said—it is entirely optional whether ye go or stay, for even if men were wanting to follow me, from these stones would God raise up sons to Abraham; [that is, professors of his faith.†] The answer of St. Peter

* S. Matth. cap. xviii. v. 17. "*Si autem ecclesiam non audierit, sit tibi sicut ethnicus et publicanus.*"

† S. Johan. cap. vi. v. 66. "*Ex hoc multi discipulorum ejus abierunt retro, et jam non cum illo ambulabant.—v. 67. Dixit autem Jesus ad duodecim: Numquid et vos vultis ubire?*"—S. Luc. cap. iii. v. 8. *Potens est Deus de lapidibus istis suscitare filios Abrahamæ.*"

is not less favourable to the object in view. "Lord," said he, "to whom shall we go, since thou hast the words of eternal life? We believe and are convinced that thou art the Messiah, son of the living God."* Can a more evident testimony be given that the ministers of the christian religion, if they are to follow the steps of its divine Author, ought never to devise or inflict any other punishment on those who, to their own perdition, stray therefrom, than to make this aberration publicly known, as a precaution to others? In like manner also Christians, if they seek to imitate the most faithful of the apostles, ought to persevere in the faith, for no other motive than the firm conviction that every thing is truth which it teaches, and that in it alone man finds health and refreshment.

Equal benignity is discovered in the other books of the New Testament, when speaking of the punishments religion inflicts on apostates. St. Paul, writing to Titus respecting the conduct he is to observe with the heretic who, after a timely warning, does not amend,

* S. Johan. cap. vi. v. 69. "*Domine ad quem ibimus? Verba vitæ eternæ habes.*"—v. 70. *Et nos credimus et cognovimus quia tu es Christus filius Dei.*"

informs him that he is only to consider him as a perverted character, and already condemned by his own judgment; that is, that he declare him separated from the church, the benefits of which he had lost by his unbelief.* Consequently the church, in its condemnation of the obstinate heretic, may and ought to extend its rigour to this public exclusion, amounting to an excommunication, but not to any other kind of chastisement. This is also confirmed by St. John when he says, "He who remains not in the doctrine of Jesus Christ, and relapses, has not God as his protector; but he who abideth in the same hath both the Father and the Son as his support. And should there come any one unto you not having this doctrine, receive him not into your house, nor salute him, for fear you partake of his evil deeds."† And in these pas-

* Ad. Tit. cap. iii. v. 10. "*Hæreticum hominem post unam et secundam correptionem devota.*—v. 11. *Sciens quia subversus est, qui ejusmodi est, et delinquit quum sit proprio judicio condemnatus.*"

† S. John. Epist. ii. v. 9. "*Omnis qui recedit et non permanet in doctrina Christi, Deum non habet, qui permanet in doctrina, hic et patrem et filium habet.*—v. 10. *Si quis venit ad vos, et hanc doctrinam non affert, nolite recipere eum in domum, nec ave dixeritis.*—v. 11. *Qui enim dicit illi ave, communicat operibus ejus malignis.*"

sages is there any other punishment mentioned against apostates than ecclesiastical interdiction? can any authority be found in scripture, by which the church can inflict any other? I do not here allude to the temporal power possessed by princes in states where the catholic religion prevails, of restraining heretics by means of corporal punishments; yet it cannot be denied that, on the part of the church, man is in every sense free from penal restraint, not only with regard to his being forced to enter the pale thereof, but also remaining therein when he has once entered. Hence is it inferred that the authority vested in an ecclesiastical tribunal to persecute heretics by means of corporal punishments, far from being supported by the Holy Scriptures, is diametrically opposed to that mildness which distinguishes them all, and so strongly recommends them with their very enemies.

The defenders of the Inquisition, unmindful of the proofs just alleged, or rather, without having fully weighed their merits or examined the matter with due consideration, pretend to find in Jesus Christ and his apostles examples to authorise this rigour. Our divine Saviour, say they, with a scourge drove the traders from

into the air by the aid of infernal spirits, and St. Peter by means of prayer, causes him to fall down, by which both his legs are broken.* Ananias and Sapphira lie to the Holy Ghost, and die when reproached by the same apostle.† Elymas, the false prophet, impedes the fruits of the gospel, and St. Paul, by means of prayer, punishes him with blindness.‡ From these prodigies it is that the enemies of meekness deduce that corporal punishment, even though it amount to death, is not opposed to the spirit of religion. In answer it might be retorted, let the inquisitors do as much themselves, and we shall then be convinced that these arguments in the present question really possess the weight it is pretended to give to them. Nevertheless, how great must not be the confusion experienced by a government that seeks to regulate its ordinary administration by acts out of the common order of things? Those who first introduced, as well as they who for centuries sustained, in the tribunals of Europe, the use of ordeals for the discovery of truth, which they termed the judgments of God, defended this practice

* Orsi. Hist. Eccles. tom. i. lib. ii. cap. xix.

† Act. Apost. cap. v. v. 1, &c.

‡ Act. Apost. cap. xiii. v. 6, &c.

on the trial by bitter water, established by Moses in order to prove, by a miracle, the crime or innocence of the woman accused of adultery. If, as pretended by the apologists of rigour, it is prudent and just to appeal to reasons of this kind, it would follow that the writers, magistrates and prelates who supported the above practice were correct in the principle laid down. Yet, in the lapse of time, knowledge and better judgment succeeded to ignorance and prejudice, and those proofs and ordeals which till then had been considered not only as reasonable, but also as supported by religion and adapted to strengthen the piety of the people, were proscribed as absurd, because they answered no purpose whatever; as unjust, because they implicated the property, reputation, and life of the innocent; and as impious and sacrilegious, because by them God was mocked, and his worship dishonoured. In speaking of these ordeals I ought to observe, that the middle ages, in which they most prevailed, was precisely the period which gave birth to the Inquisition.* Besides this answer, which

* Every one the least versed in church history knows how much the ordeals or trials for the investigation of

may be indistinctly applied to all arguments founded on miraculous occurrences, it would

truth by cold and boiling water and hot iron were formerly used and authorized. Even a mass was for that purpose established, called the *Mass of Judgment*, in which, after several prayers, invoking God to concur with his special aid in the discovery of what was desired, those who were to be tried received the communion, at which the priest pronounced these words:—" *Corpus hoc et sanguis Domini nostri sint tibi ad probationem hodie.*" When the mass was ended, the priest went to the spot where the trial was to take place, and there blessed the water which he gave them to drink, saying,—"*Hæc aqua fiat tibi ad probationem;*" adding a deprecation suited to the probation about to be made. It is evident that in this last ceremony allusion is made to the law of jealousy, as explained in Numbers, chap. 5. Thus a practice even so inconsistent as this was at length considered as established by God, approved by the Holy See, as well as confirmed by experience, and as such recommended in the ritual in the following words:—" *Hoc autem judicium creavit omnipotens Deus, et verum est, et per Dominum Eugenium II. Apostolicum inventum est, ut omnes Episcopi, Abbates, Comites, seu omnes Christiani per universum orbem id observare studeant; quia a multis probatum est et verum inventum est.*" Vide Van Spen, "*Jur. Eccles.*" part 4, tit. ix. cap. iv.

The ordeal, or a form of trial for the discovery of innocence or guilt, was also practised in England, from the time of Edward the Confessor till it was abolished by Henry III. Vide Blackstone's Commentaries, book iv. chap. xxvii.—The.

otherwise be necessary further to grant, in conformity to the facts already quoted, that ecclesiastics, independently of the civil power, are allowed to execute the sentence of death against those who have abandoned their religion, or even against persons who have simply been wanting to the truth.

The object of Providence in the punishment inflicted by the apostles is manifested in Scripture, immediately after the passage relating to the death of Ananias and Sapphira. "And great fear came upon all the church, and upon as many as heard these things. Of the strangers, no one dared join himself to the apostles; but the people magnified them:"* that is, the admiration of the doctrine announced by the apostles, and the respect paid to their persons were the two great sensations excited in the people by that singular eloquence, till then unknown. The same design is visible in the blindness of Elymas, according to the following words:—

* Act. Apost. cap. v. v. 11. "*Et factus est timor magnus in universâ ecclesiâ, et in omnes qui audierunt hæc.*—v. 13. *Ceterorum autem nemo audebat se conjungere illis (apostolis) sed magnificabat eos populus.*"

“ Then the deputy, when he saw what was done, believed, being astonished at the doctrine of the Lord.”* Let those who quote similar passages in defence of their arguments candidly answer, and tell us, whether it was rigour that drew forth this admiration and respect, or rather whether it was not the power of God miraculously employed on these occasions. And since the rigour of the Inquisition does not possess this circumstance in its favour, will the effects it produces be those of admiration and respect for the doctrine of Jesus Christ and his ministers? Will not rather the whole fruit of this rigour be the discredit of religion, and the odium of those who in this manner defend it? There can be no doubt that the faith of Jesus Christ ought to be sustained and propagated by the ordinary means he himself established, and that, consequently, the reasons brought forward in defence of a practice so incompatible with his meekness must ever be considered as frivolous and unfounded. It may be replied, that the Inquisition overcomes this

* Act. Apost. cap. xiii. v. 12. “ *Tunc proconsul quum vidisset factum, credidit admirans super doctrina Domini.*”

objection, by the entreaty or rather protest it makes to the civil magistrate, purporting that it is not its intention to co-operate in the death of the criminal it delivers over to him for execution. How insignificant this outward ceremony is, and it certainly merits no better a name, will be seen in its proper place. In the mean time, it must appear evident that such a precaution can be held in no other light than as illusive, notwithstanding the Popes thought proper to dispense with this irregularity incurred by the inquisitors, a dispensation which would have been entirely unnecessary if the functions annexed to this institution were not accompanied by a severity little conformable to the sacerdotal ministry.* It ought not, however,

* Boniface VIII. granted a dispensation to prelates exercising criminal jurisdiction, in the quality of lords over vassals, in order to remove all irregularity on their part. Innocent III. did the same in behalf of bishops delivering over clergymen to the civil magistracy, on condition that they should forthwith pray earnestly for them. Under both these provisions the inquisitors suppose themselves comprehended; but Urban IV. besides granted them the power mutually to absolve each other of any irregularity. Pius V. extended to the inquisitors as well as to their commissaries and counsellors, the same dispensation from irre-

hence to be inferred, that these functions are now less opposed than formerly to the doctrine of Jesus Christ: the law may suspend the effects which emanate from its authority, but not those which arise out of the nature of things.

But why dwell on this point, when each one of us in his own experience is possessed of the most convincing proofs of this truth? Are the formidable ideas we from childhood entertain of the Inquisition, and the terror with which this tribunal has filled all Europe, America, and part of Asia, the effects of its meekness, or of its rigour? Terror is the term given by Mariana to the sensations produced in the minds of the Castilians by the bloody scenes which accompanied the introduction of the tribunal into Castile, and Zurita testifies that the same was excited in the breasts of the Aragonese. Sandoval also asserts that, in order to terrify the

gularity, which his predecessor Paul IV. granted to those who give their opinion to the Pope, in causes relating to torture, mutilation of members, or capital punishment.—De Verbor. signif. cap. xxvii. and De Hom. cap. ii. in 6.—Peña, Ad Direct. Inquisit. part 3, com. lxii. and part 2, com. xx.

Moors and converted Jews, it was transferred by Charles V. from Jaen to Granada and Fuenmayor, adding, that it was not alone among the common people that the name of this tribunal infused terror, but also among all classes.* Were any one, ignorant of the spirit of Christianity, to hear that the most terrible tribunal ever known was under the charge of priests, calling themselves the most zealous ministers of religion, how would he be induced to believe that this same religion is pre-eminent for its meekness, and that its author, God, in order to give us the most impressive lessons of this virtue, became man and died on a cross? The existence of the Inquisition is a calumny against the Christian religion, and a scandal to public morals; for it excites in those who profess any other worship, as well as in the unlettered part of the faithful, mistaken notions with regard to one of its most eminent qualities, viz. meekness; and, besides, obliges the

* Geronimo Zurita, *Anales de Aragon*, lib. xx. cap. 65.
—Juan de Mariana, *Hist. de España*, lib. xxiv. cap. xvii.
—D. Fr. Prudencio Sandoval, *Historia del Emperador Carlos V.* lib. xiv. § xviii.—Antonio de Fuenmayor, *Vida y Hechos de Pio V.* lib. i.

learned to stigmatize the conduct of ecclesiastics, as being incompatible with the moderation they preach in the pulpit, and which they ought more forcibly to teach by example.

It would argue a misconception of the religion of Jesus Christ, and a complete ignorance of the theory and practice of the Inquisition, to maintain that any analogy exists between them. To what a length this tribunal has carried its violence will be fully seen in the course of this dissertation. The meekness of the Christian religion, sufficiently proved by the arguments already adduced, is thus elegantly described by a modern author: "The religion of Jesus Christ," says he, "has in its nature the love of order and justice. It abhors the excesses in which the impious (and he might have added the patrons of the Inquisition) attempt to implicate it, by confounding it with fanaticism. It detests persecution, and highly reproves the false zeal of those who pretend to propagate and defend it by force and terror. In proportion as it is strong and powerful, it is loving and compassionate; its irresistible power being the effect of this same benevo-

lence. It disdains violent measures, for it has others much more efficacious. The empire of which it boasts is not that which is exercised over the body, leaving the soul still more rebellious and corrupted. It is in the understanding and the heart that it delights to reign, and persuasion and love are the only means by which it therein establishes its throne. It looks for children, and not slaves. Religion does not stand in need of appeals to force, since it is composed of humble disciples, of docile hearts, and sincere adorers, actuated by a mild but powerful principle which triumphs over every obstacle, and converts its most cruel persecutors into fervent apostles. At the same time that it is firm, severe, and inexorable against sin, it is full of sweetness, beneficence, and of charity towards the sinner. The Christian religion unceasingly repeats to its children, and above all to its ministers, that the spirit of the Gospel is a spirit of patience, of mildness, and forbearance; that its ministry is the ministry of peace, of reconciliation, and of health; and moreover, that they should never forget that they are the disciples of a God who died for his enemies, as well as the suc-

cessors of venerable men who, sealing with their blood the truths of the faith, prayed for their persecutors and executioners. In short, religion, far from being the author and accomplice of the disasters which fanaticism has caused to the world, detests them with more sincerity, and condemns them with more firmness, than the incredulous themselves.”*

* *Apologie de la Religion Chretienne*, printed in Paris, iv year of the Republic.

CHAPTER II.

*The System of Rigour adopted by this Tribunal is opposed to the Doctrine of the Holy Fathers and the Discipline of the Church in its most happy Times.**

IT suffices to know that meekness is one of the virtues that shone most in Jesus Christ

* The discipline of the Church constitutes a science which most of the partisans of the Inquisition, notwithstanding they are ecclesiastics, know not even by name, and which others who have heard of it only take into their mouths for the purposes of blasphemy. Among the latter may be reckoned the authors of the periodical work called *El Filosofo Rancio*, and, under this title, Father Francisco Alvarado, whom the inquisitorial party seem to have chosen as another Hercules, not for the purpose of destroying the Lernæan hydra, but to defend it with sword and buckler. This Father, in his Letter I. observes that "good faith, not to use another term, caused our former governments, under a wish to enlighten the nation, to give vogue to that infinite number of novelties which the French introduced among us in matters of philosophy, law, ecclesiastical discipline," &c. Some writers, for the want of correct information, sometimes condemn as anti-religious novelties the very practices used in the Church long

and his apostles, in order to remove all doubt of its being equally possessed in a high degree by the ancient Christians. The discipline of the Church in the first ages was near its origin, and consequently must have been preserved pure, in like manner as the stream is clearest when least distant from the fountain-head. The meekness, therefore, taught and practised by the legislator and promulgators of the Gospel must forcibly point out to us the lenity which so much distinguished the writings of the Holy Fathers. Their doctrine, and the examples by which they confirmed it, are additional proofs of the de-

before those were introduced which they now venerate for their antiquity. Others again, better informed, and sensible of the weight of this observation, nevertheless assert, that it is not just to revive antiquated customs, as being incompatible with the political system of modern nations. This is by no means at what we now aim; yet they ought never to lose sight of the flourishing ages of the Church, in order that the virtues of our fathers may serve as examples to their children; and they ought moreover to watch that the exterior legislation of the church, notwithstanding it is made suitable to the present times, does not degenerate from the spirit of the early ages. This is what is so strongly inculcated in all the ecclesiastical councils, and also forms the chief basis of this dissertation, in which the truly new abuses introduced among us by the Inquisition will be fully exhibited.

generation of the after ages, since such an establishment as that we are about to depict then found patronage and support.

St. Cyprian, pointing out the difference between the sentiments which ought to animate the ministers of the church of Jesus Christ and those which directed the priests of the Synagogue in their conduct towards the refractory, considers each profession according to its nature, and states as the chief reason of this difference, that in the Synagogue every thing was material and figurative, whereas in the true Church every thing is spirit and truth. "God," says he, "commanded the punishment of death to be inflicted on those who refused to obey their priests, as judges constituted by himself; which might be advisable at a period when the circumcision was carnal; but now that the circumcision is spiritual, the proud and contumacious servants of his house, which is the Church, ought to be exterminated with a sword in like manner spiritual, by their being cast out therefrom, and thus deprived of life; for the true house of God is no other than one, and no one unless in it obtains salvation."*

* S. Cyprian, epist. lxii.

When the Fathers of the Council of Sardica prayed Constantius to restrain the fury of the Arians, who, availing themselves of the influence their sect had gained over the mind of that Emperor, resorted to every species of persecution in order to destroy the Catholics, they thus expressed themselves: "We ask nothing beyond the liberty of our Creed, and consequently that we be not compelled to contaminate ourselves with Arianism, by persecution, prisons, and tribunals, under all the forms of terror, together with the invention of exquisite torments, being employed against us. Jesus Christ taught, rather than exacted, the knowledge of himself; and exciting admiration and respect for the precepts of his faith by means of miracles, he never forced any one to believe it. If violence of this kind was appealed to on the part of the Catholics the bishops would be the first to declare against it, on the plea that God being the Lord of the Universe stands in need of no one, much less of a heart that refuses to know him. They would say, that God is not to be deceived by dissimulation, but that his grace is to be merited by a true submission; that if he commands us to offer him our homage, it is not for his

good, but for ours ; that he cannot receive any one who does not tender himself, hear any but him who prays, nor mark as his own any one who does not cordially profess his religion. They would say, that candour is the only road by which he is to be sought ; that he is to be known by the diligent study of the faith, and that he can love him only who has charity. Finally, they would add, that his good-will is obtained by filial fear, and the only means of retaining it is probity.”*

The maxims of mildness towards heretics are inculcated by St. Chrysostom in many passages of his works, particularly in the following : “ We ought to fight against heretics, not to throw down those who are upright, but to raise up those who are fallen ; for the war which is incumbent on us is not that which gives death to the living, but that which restores life to the dead, seeing that our arms are meekness and benignity. In this contest we ought therefore to rely not so much on acts as on words, for it is not the heretic, but the heresy, which we persecute ; and we detest not him who errs, but the error, which is the only thing we are to persecute

* S. Hilarius, lib. ad Constantium August.

and extirpate. Our war is not with men, the work of God, but with opinions which the devil has depraved. The physician, when he cures a patient, does not attack the body, but the disorder under which it labours. In the same manner dealing with heretics, we ought not to injure them in person, but seek to remove the error of the understanding and the evil of the heart. Finally, we ought always to be disposed to submit to persecution, and not to persecute; to suffer grievances, and not to cause them. It is in this manner Jesus Christ conquered, since he was nailed to a cross—he did not crucify others.”*

St. Hilary highly extols the delicacy of the Church in this particular, and even makes a contrast of the state of discipline during the three ages which preceded him with that of his own time, when, owing to the opinions of some bishops, it was verging towards that decline afterwards experienced. “Above all,” says he, “it wrings the heart and causes the tears to flow to behold the weakness of the present generation in adopting certain absurd opinions already prevailing, one of which is, that men ought to patronize God by concili-

* S. Johan. Chrysost. De S. Hiero Martyre, n. ii.

ating the power of the age, in order by this means to sustain the Church of Jesus Christ. Tell me, ye bishops who are of this way of thinking, of what aid did the apostles avail themselves when they preached the Gospel ; or to what great ones of the earth did they recur in order to convert, as in fact they did, almost all nations from idolatry to the worship of the true God ? Was it in palaces that they sought favour, when under the scourge and in chains, they sang hymns in praise to the Lord ? Was St. Paul perchance authorized with imperial decrees when, through his great labours made the object of astonishment to the whole world, he allured nations to the Church of Jesus Christ ? Did he find patrons in a Nero, a Vespasian, or a Decius, when it was their persecutions that so much fructified the seed of his preaching ? Did not the apostles hold, as we now do, the keys of the kingdom of Heaven, although they were obliged to live by the work of their hands, and under the necessity of celebrating the divine mysteries in cenatories and other solitary places, travelling by sea and land through various countries, visiting even villages and farms ; and this in direct contravention to the decrees of the senate and Emperor ? Is it not

certain that the Gospel was then preached with the greatest courage and success, and that the more obstacles were opposed to its effects the more did its power triumph over that of tyrants? But now what an unfortunate reverse! It is now pretended to support the divine faith by means of human authority; and whilst it is ostentatiously sought to add to the name of Jesus, his power is considered as diminished. The same Church, that formerly through the endurance of chains, persecutions, and banishment, extended its faith, now diffuses terror by means of proscriptions and prisons, seeking to be believed through the effects of force. It now seeks to owe its permanency to the power of those who are of its own communion, when it was through the fury of those who were its persecutors that it was formerly consolidated. It now banishes the priests of those same sects which anciently drove its own ministers into exile. In short, that same Church now seeks to be applauded by the world which only by being hated of men can be pleasing to her spouse. When, with such scandalous abuses before me, I compare the Church of the present times with that which Jesus Christ confided to our ancestors, I

cannot but exclaim that it has undergone the most deplorable change.” *

St. Jerome, commenting on these words of the Lamentations of Jeremiah, “ *Recedite polluti clamaverunt eis*,” thus observes: “Such is the language of those proud shepherds who take under their special care the choice of the flock, and leave the weak portions thereof in a neglected state, without taking care that the lean sheep regain their strength, or that the distempered recover from disease. Keep at a distance, say they, ye who are infected, depart, disappear, nor ever dare to approach and communicate with us; your wounds are mortal, your sores are gangrened, ye are unworthy of Christian intercourse and of the Holy Ghost again returning to dwell within you. Conduct like this, instead of giving sight to the blind, health to the invalid, and of infusing courage and vigour into him who is dismayed, occasions death, by impelling him to despair. The prelates who fulfil their duty, and measure the weakness of their neighbour by their own, endeavour to disentangle sinners from the snares of error by means of humility and meekness, rather than by their

* S. Hilar. lib. contra Auxentium.

harshness to precipitate them down the abyss of condemnation." * It is indeed true that St. Jerome here speaks of the charity and sweetness with which all sinners ought to be treated, but for the same reason he does not exclude those who have sinned against the faith.

The letter of St. Augustin to Donatus, proconsul of Africa, deserves to be copied here entire, for it clearly demonstrates what was the spirit of the Church with regard to the punishment of heretics at the time it was written. It is as follows : " It is indeed painful to reflect that the Church of Africa is in such a situation as to require the aid of civil authorities. But, on the other hand, there being, according to the apostle, no power on earth which does not emanate from God, it may truly be said that when ye who are invested with dignity use it in defence of our mother the holy Catholic Church, our aid is then in the Lord who made heaven and earth. For who, most illustrious sir and son deserving of our praises, can avoid discovering amidst the many ills which afflict us that, from the brilliancy of your talents and your great zeal for

* S. Hieron. Com. in Jerem. Thren. cap. iv. v. xv.

the religion of Jesus Christ, providence has placed you at the head of the government in order to restrain, by means of power and goodwill, the enemies of the Church in their wicked and sacrilegious attempts? It is my duty, nevertheless, to caution you against one thing, which is that your very justice makes us apprehend, that as all grievances caused to the Christian society by these ungrateful and impious men are more criminal than those done to the state, you may be induced to punish them with every rigour, urged rather by the enormity of their crime than bearing in mind the meekness of the religion against which they have sinned. Let not this be the case we beseech you for the sake of Jesus Christ, since we do not seek to be avenged on earth; nor is it just that the persecutions we suffer should make such an impression on our minds as to cause us to forget the commands of our Redeemer, for whose faith and name we endure them, and for whom we actually love our enemies and unceasingly pray for them. We desire, it is true, that the severity of the laws and of the judges may be employed for their reform, but not to deprive them of life; that the government watch over their conduct, but without applying

against them all the punishment they deserve; that their excesses may be restrained, but not that they be placed in such a situation as to prevent repentance."

"We beseech you, therefore, that when any one of us shall represent to you that the Church has been grievously injured, or you may in any other way have learnt her afflictions, that you do not remember that you are the arbiter of life and death; but, on the contrary, that you be ever mindful of this our petition. Attend, oh! illustrious and much-beloved son, to our mediation in favour of the lives of those to whom we beseech God to grant amendment; for besides its being the duty of us ecclesiastics never to desist from the practice of overcoming evil with good, it is necessary you should consider, as from prudence we hope you will, that no one, except ourselves, informs you of the injuries done to the Church. For this same reason, if you think of inflicting death on those we denounce, you prevent us from applying to your tribunal, and they will then become more insolent; since, at all events, we should prefer to be sacrificed ourselves rather than be instrumental to their suffering capital punishment."

“ I, in short, for my own part, again beseech you kindly to receive this my exhortation, or this my remonstrance and humble request; and I flatter myself that I am authorized to expect this favour, even though you were invested with a higher dignity and I no other than a private individual. Nevertheless cause it, as soon as possible, to be made known to the Donatists that the proclamations you issued against them, and which they consider no longer in force, are still in full vigour, to the end that they allow the Catholics to remain quiet. As for the rest, the means of rendering our exertions for their conversion effectual will be by restraining in such manner, through your own measures, this proud and petulant sect that they may never be able to boast enduring, for the good cause, the vexations aimed against it; since it is rather indispensably necessary, when they have been convicted of their crimes in your tribunal, or any other inferior one, that every exertion should be made to convince them of the truth of the faith, by causing them to reform their opinions and to contribute to the conversion of the others. Because it cannot be denied that it is a fruitless task to seek to compel a man

to embrace good and withdraw from evil, however great this may be, unless it is through the way of persuasion."* So far St. Augustin.

It is unnecessary to add more testimonies from the Holy Fathers, in support of my argument. Those already quoted are more than sufficient to prove, that the meekness of Jesus Christ towards the wayward, and as practised and promulgated by the apostles, was also the countersign of all the doctors of the Church, who transmitted it in numerous passages of their writings as an edifying lesson to posterity. These writings amply testify that the conduct of the ministers of the gospel, with regard to persons straying from the fold, ought to be very different to that observed by the ancient priests towards those who abandoned the law of Moses; that the most pure zeal for the Christian religion ought always to be accompanied by genuine and beneficent charity; that the mild empire of a crucified Lord unceasingly calls for freedom in favour of those who submit to it; that the acquisition of new believers, and the retention of old ones, is only appreciated by the Church

* S. August. Epist. C.

when they enter and remain in the bosom thereof, by means of divine unction and persuasion; and finally, that if at any time it should be necessary to appeal to the powers of the earth, in order to check the wicked in their career of self-perdition, it ought only to be done when the natural defence of the church requires it, or the amendment of the refractory, by means of a correction so moderate as truly to deserve the name of paternal.

Notwithstanding, however, the words of the above-mentioned Holy Fathers are so clear and decisive in favour of my object, those of a different opinion nevertheless conceive that their authority may also be alleged in a contrary sense.* It is in St. Augustin,

* However, I here except the author of the *Nuevo Reflexionador*, who, in his letter to the Anti-apologist of the Inquisition, enraged that the latter should make use of the Scriptures and Holy Fathers in order to prove that the Inquisition ought to be abolished, replies to him in the following words: "Are you in your right senses? What! could the sacred writers impugn an establishment with which they were not even acquainted?" Hence am I inclined to infer, that the *Nuevo Reflexionador* would not wish to join with those of his own party when they quote the Scriptures and Holy Fathers in favour of the Inquisition, for in this case the same retort might be made. How does it happen, I would ask him, that a religious

more particularly, they pretend to find incontrovertible proofs that the church, without being wanting to the duties of mildness, may avail itself of the zeal of the civil power, and resort to corporal punishments, in order to restrain heretics committing violence against her, as well as for the purpose of obliging them to seek reconciliation. It is indeed true that this Holy Father confesses of himself, that being formerly of opinion that the Donatists ought not to be persecuted with any other arms than those of argument, the examples of conversions effected by the rigour of the laws as presented to him by some of the bishops of Africa, were so numerous and so striking, that they obliged him to alter his sentiments. I am fully sensible of the force of this objection, but far from being thereby convinced, I believe with Bayle, Basnage,

establishment cannot be defended or impugned by arguments taken from the sacred writers, because they were anterior to its foundation? How is it, I would again ask him, that the Inquisition has been able to proceed in cases of new sectaries, unless it has recurred to scripture and tradition in order to decide on their doctrines? Is it, perchance, that in its judgments it has been guided by the prevailing opinions of the age, or rather by the caprice of those in power? This, undoubtedly, has been the case, but the time is now arrived for remedying the evil.

Le Clerc, Barbeyrac, and Mosheim, that, on this occasion, St. Augustin rather consulted the apparent utility resulting to the Church from an unlimited protection on the part of kings, than the true piety and justice on which this protection ought to be founded. It is not probable, I again say, that a man of the first talents, who so openly maintained that the conversion of the heart is the work of the grace and goodness of God, should ever wish to affirm, in the sense above argued, that heretics ought to be converted by means of fines, banishment, and capital punishments.

In order, however, to destroy the argument which the advocates of rigour deduce from this retractation of St. Augustin, and do away with the imputation of party feeling alleged by the above-mentioned authors against him, it would suffice to examine the reasons which induced him to pronounce the conversion of the Donatists as sincere, and which, in fact, were the only ones that obliged him to change his opinion. I say the only ones, because those he quotes from the Old and New Testament cannot be considered so much in the light of solid proofs of the truth of his proposition, as amplifications and

embellishments of the idea it contains ; since they are all equally weak, as must appear to any one who reads them with an unprejudiced mind. In a word, St. Augustin makes use of these proofs not as a logician but as an orator, more attentive to the elegance of his statement than to the weight they might add to an opinion which, in his own mind, was already proved by experience.* In this point of view, he thus replies to the Donatist Vincentius, who had reproached him for his new way of thinking.

“ I was formerly of opinion that no one ought to be compelled to return to the bosom of the church, under the impréssion that we ought not to use any other arms than words ; that our contest ought to be no other than argument ; and that such only ought to be esteemed as a victory which is gained through the force of conviction ; for otherwise those would become feigned Catholics who before were avowed heretics. But some of my com-

* The arguments St. Augustin takes from Scriptures, to prove that it was lawful to use corporal punishments towards heretics, in order to oblige them to return to the bosom of the church, are re-produced by the apologists of the Inquisition, but not in their true sense ; the chief ones, however, have been answered in the preceding chapter.

panions have since pressed me closely, not with reasons but with facts, which they quoted to me in great numbers, whence I have been induced to adhere to their opinion. For they argued with me from the example of the city of my own residence, (Hippo,) which, having formerly decided in favour of the heresy of Donatus, was afterwards restored to the Catholic unity by means of the decrees of the emperors; and this so cordially, that it now hates the above heresy, and even appears never to have belonged to it. They quoted similar examples of other cities to me in such manner that I conceived that what is said in Proverbs may also be understood in this sense: *give instruction to a wise man, and he will be yet wiser.*"*

"How many of them had we not among us, as I afterwards was informed, who were desirous of being converted, from a conviction of the truth of our religion; nevertheless they delayed it, in order not to expose themselves to the animosity of their own party! How many were withheld, not by a supposition that their sect was founded in the truth, which most assuredly they left out of the question, but by

* Prov. cap. ix, v, 9,

a blind custom which rendered them callous, so that it might be said of them, *a servant will not be corrected with words; for though he understand, he will not answer.** How many were there not who lived persuaded that among the Donatists the true Church was to be found, but through no other motive than a natural carelessness, which rendered them dull and sluggish to find it out! How many were kept back from entering therein by the calumnies of certain malevolent persons, who imputed to the Catholics the introduction of I know not what novelties into religion! How many, in short, who, believing it was of no consequence to be a Christian in this or the other sect, continued in that of Donatus, because they had been therein born, and because there was no one to withdraw them from it, and lead them to the true Church! Hence do they now rejoice with us that, in consequence of the grievances they then suffered, they were roused from the lethargy of inveterate habits, in which they would otherwise infallibly have perished. It may indeed be said that with some such measures do not avail. To this I will answer, that the in-

* Prov. cap. xxix. v. 19.

curable diseases of some ought not to cause the refusal of remedies to others seeking the re-establishment of their health. We ought not to be foiled by the obstinate, unwilling to yield to persuasion, and of whom it is written, *in vain did I chastise my children, that they might be well educated.** It is necessary also to attend to many others of whose amendment we bear witness, to the great consolation of our heart. Finally, I agree that it would be exercising a tyrannical power to terrify heretics without convincing them of their error; but it is also undeniable, that their inveterate habits will not suffer them to incline to conviction, and will obstruct their being led, unless it is very slowly, towards the road of salvation, unless they are moved by terror.”†

This is the passage of St. Augustin on which the partisans of the Inquisition lay so much stress, and which, from our desire to throw every previous light on the question, we have copied at full length. This is the memorable passage which, by not being properly understood, caused torrents of blood to flow during the dark ages, when religious

* Jerem. cap. ii. v. 30.

† S. August. Epist. cxiii.

wars were so frequent. Wretched fate of man, who seems destined to stumble on error and death, where he ought to have expected the benefits of truth! However, if I am not greatly deceived, it does not require much penetration to discover the true meaning of St. Augustin in this place, which, if his words are only well considered, is the same as that of the other Holy Fathers and Sacred Writers, although in consequence of the different circumstances of the times it is presented with some degree of diversity. It is, in the first place, necessary to establish, that the conduct of the Donatists towards the Catholics was at length rendered so criminal, and the persecutions excited against them so cruel, that it became necessary to recur to the protection of the laws, in order to withhold men, who, impelled by a furious passion which they termed religious zeal, had actually subverted the order of society. They not only forcibly re-baptized the Catholics, but they also sacked and demolished their temples, assassinated the clergy and bishops at the very altars, burned out the eyes of others with quick-lime, and even prohibited bread from being sold to them in the public places. Under such conflicts, how therefore can it

appear strange for the Catholics to implore the protection of government; a protection which could not be denied them, even in the quality of private citizens. As proof of this, the first edict issued by Theodosius against the Donatists, in the year 382, is founded on the many acts of violence they had committed, and which undoubtedly would have continued, if the authorities had not applied an efficacious remedy.* And as it was perfectly just for the Catholics to appeal to the safeguard of the laws, without their being for that reason accused of persecuting the sectaries, contrary to the spirit of religion, when personal security was their only object, why might not the same be allowed to St. Augustin?

But, to pursue the argument. The Donatists were the first who, refusing to abide by the sentence of the bishops, before whom, at that time, all differences arising among Christians were carried, recurred to the emperor Constantinus, complaining of Cecilianus, Bishop of Carthage, respecting certain irregularities they attributed to him, though their complaint was attended with no other fruit than

* Vide Encyclopedie, Art. Donatistes.

their own punishment for not substantiating the accusations preferred. What irregularity, therefore, was there in the Catholics recurring in their own defence to the very civil tribunal which, in some measure, the heretics had pointed out to them? By this testimony of St. Augustin it appears, that the heretics were the first who had recourse to the civil authorities in order to avenge injuries arising out of religious matters, a point to which I particularly call the attention of the partisans of rigour.*

This Holy Father does indeed maintain that it is advisable to use some coercion towards apostates, in order to induce them to return to the bosom of the Church. This new difficulty, however, disappears in the same manner as the first, if the reasons which also led him to change his opinion in this particular are maturely weighed. Many of the Donatists here alluded to belonged to that sect, not from any system or adhesion, but because they dreaded the vengeance of their own sectaries if they abandoned them; an impediment which ceased from the mo-

* S. August. Epist. cxlii. n. 13. "*Quid nobis objicitis,*" says he to Vicentius and his companions, "*quod vestrorum (majorum) præsumptio primitus fecit?*"

ment the civil authority was on their side. Others were retained undecisive, by a false idea of certain practices admitted into the Catholic Church, and which necessarily vanished as soon as they had received adequate instruction. Others, in short, were held in a profound lethargy by a sluggish spirit, added to a total indifference for their own well-being, from which it was impossible to rouse them, unless active remedies were for that purpose employed. It therefore results, that the Donatists, whom St. Augustin affirms to have returned within the pale of the Church on being put in fear by the civil power, scarcely suffered any coercion whatever; or at least it was not such as to authorize the violent measures of the Inquisition.

In the aforesaid passage it is, moreover, manifested that the conduct of the ministers of the Church towards apostates ought to resemble that of a physician in the case of a lethargic disease,—of a father who seeks to educate his children; that is, a moderate rigour ought to be exercised against them, corresponding to the object in view, which is not the death of the patient, but his health and happiness. It is, in fact, the persuasion

of the mind and the amendment of the heart that St. Augustin has in view in the persecution of those who have wandered from the faith, without which their conversion would only be apparent. It is the persuasion of the understanding, I again repeat, without which all dominion over the will would be tyrannical, which the Holy Doctor so unceasingly inculcates;—that same persuasion, in short, by which he himself had been converted from the sect of the Manichees to the Catholic Church, was the means he wished to be employed with regard to others.

However, should any one not be sufficiently convinced by the arguments just alleged, that St. Augustin was, at all times, in favour of meekness towards heretics, in the sense alluded to, let him listen to his own words contained in that same letter to Vincentius, in which the advocates of the Inquisition impute to him a change of opinion. “There is no doubt,” says he, “that a moderate rigour, accompanied by much benevolence, ought to be used towards those Christians who may have erred through the seduction of wicked men, because they are possibly sheep of Jesus Christ which have gone astray, (that is, without great malice in their hearts,)”

consequently it is only necessary to collect them into the fold, causing them, by banishment and other corporal punishments, to enter into themselves, to reflect on the cause for which they suffer, and also to learn not to give more credit to the vain opinions and calumnies of man than to the Scriptures. With regard, therefore, to the chastisement to be inflicted on you, (speaking to the heretics,) it is rather intended as a warning to you than a real punishment." * The Holy

* S. August. Epist. xciii. n. 10. No pains can be too great in order to clear up the opinion of so great a doctor of the Church, which, from being misunderstood, had caused so much injury. For this reason, as well as because the passage above quoted furnishes a full confirmation of my text, I have thought it best to copy the original words in this place : "*Sed plane in eis qui sub nomine Christi errant, seducti à perversis, ne fortè oves Christi sint errantes, et ad gregem taliter revocandæ sint, temperata severitas, et magis consuetudo servatur, ut coercitione exiliorum, atque damnorum admoneantur considerare quid, quare patiantur, et discant præponere rumoribus, et calumniis hominum scripturas, quas legunt. Quis enim nostrum, quis vestrum non laudat leges ab imperatoribus datas adversus sacrificia paganorum ? Et certe longe ibi pœna severior constituta est ; illius quippe impietatis capitale supplicium est. De vobis autem corripiendis, atque coercendis habita ratio est, quo potius admoneremini ab errore discedere, quam pro scelere puniremini. Potest enim fortasse etiam de vobis dici, quod*

Doctor, on the same occasion, also affirms that the name of Christian, borne by every one who has been baptized, is an additional motive for his being treated with more benignity than was used in his time towards idolaters, because the same are less distant from the true Church; an opinion diametrically opposed to that of the friends of the Inquisition. It consequently becomes evident that the passage of St. Augustin, on which the partisans of rigour lay so much stress, does not so much contain a retractation as a limitation of his former opinion, in which he consents to the adoption of a certain degree of corporeal punishment towards heretics, inducing them by the way of correction to enter into themselves. Such was the state

ait Apostolus de Judæis: "Testimonium illis perhibeo, quia zelum Dei habent, sed non secundum scientiam. Ignorantes enim Dei justitiam, et suam volentes constituere, justitiæ Dei non sunt subjecti." (Ad Rom. cap. x. v. 2 & 3.) He continues making a parallel between the heretics and Jews, with regard to their mistaken ideas, and he only excepts those who are "*Scientes quid verum sit, et pro animositate suæ perversitatis contra veritatem, etiam sibi notissimam, dimicantes. Horum quippe impietas etiam idolatriam forsitan superat. Sed quia non facile convinci possunt (in animo namque latet hoc malum) omnes tamquam a nobis minus alieni, leviori severitate coercentur.*"

of ecclesiastical discipline, with regard to the treatment of apostates, at the beginning of the fifth century, the period at which St. Augustin wrote; a state of discipline certainly less brilliant than that which flourished in the middle of the fourth age and during the life-time of St. Hilary, but still incomparably more perfect than the one which existed in the succeeding ages. And shall it be just for the patrons of the Inquisition to quote the discipline of the fifth century in support of their establishment, when the records of a brighter era are equally preserved? This tribunal might even have been entitled to our thanks, if it had not extended its rigour beyond the limits prescribed by St. Augustin; whose authority it is in vain to bring forward in favour of such an establishment, since it alone suffices to overturn it. The trial for heresy approved of by this Holy Father was public, and, as such, offered to the culprit all the advantages publicity affords. The sentence absolved the accused whenever he solicited reconciliation; it was only in cases of obstinacy that he was condemned to a loss of property or banishment, but capital punishment was never inflicted upon him. If the latter was ever pronounced against heretics

for outrages committed against Catholics, the bishops always interceded with the magistrates till they obtained their pardon. Thus did St. Augustin himself intercede with Count Marcellinus in favour of Donatists who had killed a Catholic priest and mutilated another; and with equal zeal, in the preceding age, did St. Chrysostom intercede with the people of Constantinople and the Emperor, in a discourse he pronounced in the patriarchal church of that city, on behalf of Eutropius, a patrician and consul, at that time persecuted for his political and religious excesses.* According to the practice of those very times if any bishop, forgetful of the duties of his profession, attempted to punish heretics with death, the others refused to hold

* S. August. Epist. cxxxiii.—This discourse of St. J. Chrysostom, which, notwithstanding it was extempore, is a master-piece of eloquence, I have translated from Greek into Spanish, and shall lay it before the public as soon as its attention can be called to objects unconnected with the war and the formation of a new constitution. To this version I will add another in Latin of an inedited Greek panegyric in praise of St. Peter Philoptocus, or the friend of the poor, found annexed to an old parchment copy of the works of the above Holy Father, with as much fidelity as the injury of time will admit, and to each I shall join the original text.

communication with him. This, in fact, happened to the two Spanish bishops, Idacius and Ithacius, whom, for that very reason, St. Ambrose and St. Martin of Tours excluded from their communion.* And has the Inquisition, perchance, acted in this manner? If, then, its system is so much opposed to that practised in the Church during the time of St. Augustin, on what grounds can the authority of that Holy Father be now employed in its support?

The argument thus taken and applied from the authority of the above Holy Father, and which may truly be called the key-stone of the arch on which the edifice of the Inquisition had been raised, is thus completely destroyed. I shall therefore omit the minor texts of the other Holy Fathers, which the advocates of this tribunal equally allege in their own favour, inasmuch as none of them present the same difficulties as the preceding, and, besides, the same solution is applicable to all. Neither shall I take notice of the objections which may be raised from the authorities of the writers who flourished from the 6th to the 13th century, the period when

* Fleury Disc. iv. sur L'Hist. Eccles. chap. xiv.

the Inquisition was established, for they all of them experienced the twilight which preceded or followed the 9th and 10th centuries. In fact, so great was the haste of the clergy to wander from the path of the Apostles and primitive Christians in this particular, and so great also their deviation, that the fourth council of Toledo, held so early as the year 633, ordained that the Jews baptized by order of Sisebutus should be compelled to remain within the Catholic religion, notwithstanding it was sensible of the violence with which the above ceremony had been performed.*

An era, therefore, in which the discipline of the Church had so much degenerated, it cannot be expected could furnish models capable of reforming that of our own time;

* The LVI. canon, as inserted in Dist. xlv. cap. v., is as follows:—" *Qui autem jam pridem ad Christianitatem coacti sunt venire (sicut factum est temporibus religionissimi principis Sisebuti) quia jam constat eos sacramentis divinis sociatos baptismi gratiam suscepisse, et chrismate unctos esse, et corporis et sanguinis Domini extitisse participes, oportet ut fidem quam etiamvi vel necessitate susceperunt, tenere cogantur.*" The reason alleged by the Council is very singular, viz. "*Ne nomen Domini blasphemetur, et fides quam susceperunt vilis et contemptibilis habeatur.*"

nor, for the same reason, ought the opinions which then prevailed to be of such weight as to prevent us from now making the necessary reforms.

I ought not, however, to pass over another argument unnoticed, which does not so much tend to arraign the truth of my position as to elude the strength of the reasons on which it is founded, or rather to destroy one of the principal grounds of credibility the Christian religion has in its favour. The friends of the Inquisition argue that the faithful of the first ages did not exhort monarchs to proceed against the enemies of the Church, because the cross of Christ had not been yet placed on their diadems; whereas persecution was extremely frequent in those times, in which, nevertheless, no other language could have been adopted than that of forbearance. But, add they, as circumstances altered by the conversion of the Emperors to Christianity, church-discipline also partook of another form. By this, certainly, must be meant that if the Christians of the primitive Church displayed meekness and charity, even towards their persecutors, it was because they had not yet acquired sufficient strength to make themselves feared. A chimerical evasion

indeed, and as contrary to the truth of history as it is injurious to the memory of the martyrs, whose intrepidity and serenity under death and torments, as well as generosity towards enemies, at the same time that they manifest the divine character of the religion they taught, also contradict the calumny with which it is attempted to tarnish their heroic virtues, by giving them the appearance of hypocrisy and weakness. If such sentiments could be supposed to have existed in the ancient Christians, and if it could be argued that it was their intention to put the enemies of the Church to death, under a belief that they thus rendered a service to the faith, I do not see how the death of a martyr had any thing in it more admirable than that of a malefactor, nor how it could be affirmed of them that they were "lambs sent among wolves," according to the expression of Jesus Christ himself, since the propensities of nature cannot be disguised; for the cub of the lordly ranger of the forest, though his talons are not yet grown, in his temper cannot be mistaken for the offspring of a milder race.

At least St. Augustin avails himself of this comparison against the Donatists, who, when persecuted for their opinions, boasted of

meekness and toleration towards the Catholics, against whom if they did not then employ their fury, it was not so much for the want of good-will as of power.* This contradiction of principles, for such at first sight it appears, is a new confirmation that the meaning of the Holy Doctor, in the whole of his letter to Vincentius, is no other than that a certain degree of correction may be used towards heretics. Nothing, however, can so effectually destroy so absurd an answer as the testimony of two celebrated writers of the ages of persecution, who concur in stating that the Christians were not devoid of means to avenge themselves of their enemies, if they had so wished to act, but that their spirit was that of meekness as received from the Apostles and their Divine Master. The first of them is Tertullian, who, addressing himself to the Gentiles, uses the following words:

“ Whom is it we can hate, when, by the principles of our religion, we are bound to love even our enemies? Whom is it we can offend, who are not allowed to avenge injuries, because we consider revenge as the greatest of crimes? Of this benignity I call on you to bear

* S. August. Epist. cxiii. n. 11.

witness, ye magistrates, who have so often aggrieved us, partly in order to fulfil the laws, and partly at the instigation of your own ferocious inclinations. With such inhuman treatments, say, what conspiracy plotted by the Christians have ye discovered? or what vengeance has been sought by men so resolved to die? And certainly it is not through the deficiency of means, since torches are not wanting to burn the whole city in one night if we wished it. But far be from us such an alienation of mind as to act as if a religion which has God himself for its author were to be avenged with fire lighted up by the hand of man; or that we refuse to bear injuries, since by them virtue is best purified. I will even add more. If it was our wish to avenge ourselves as declared enemies should we be deficient in armies to effect our purpose? It was only the other day that we appeared among you, and we already fill the whole empire,—the cities, islands, castles, towns, villages, camps, tribes, decurions, palace, senate, and forum; in short, the temples alone we leave unoccupied to you. What conflict could ensue, even with unequal forces, in which courage would be wanting to men who, under torments, suffer themselves to be torn to

pieces with the greatest serenity, if our military discipline did not enjoin us to die rather than kill another?"*

Such was the language of the Christians, and such the spirit of meekness which animated them in the second and third ages of the Church, the period when Tertullian lived. This virtue, therefore, cannot be denied them without a great share of levity being attributed to this celebrated writer; for it would have been unpardonable to proclaim sentiments as being prevalent which were contrary to the general opinion. These same sentiments are, besides, expressed by St. Cyprian, a cotemporary author, and also confirmed by St. Augustin.†

With regard to the fourth age, let us listen to Lucifer, bishop of Caller, and a writer of that time. Addressing himself to Constantius, in the name of all the faithful, he thus admonishes him: "Let angry waves and violent whirlwinds be raised up against us by thy order, oh! Emperor, we will still remain more stedfast; and, far from being alarmed at the horrors of the storm, we shall derive fresh

* Tertul. Apolog. cap. xxxvii.

† S. Cyprian. Ad Demetrianum.—S. Augus. De Civit. Dei, lib. xxi.

courage in proportion as the dangers increase; for the Christian does not easily yield to the evils by which he is assailed, but rather discovers more grandeur of soul when tyrants are most jealous to oppress him. The persecution increases, so does the glory of the soldiers of Jesus Christ; and torments, instead of drawing us from the contest, cause us to return to it with fresh ardour. Thyself wilt confess the truth of this, when thou seest us step forward and defend the faith with the same courage throughout the whole empire; neither shall we be deceived by thy detestable caresses, discouraged by thy threats, or overcome by the cruelty of torments; for we are fortified by that same Lord, who promised to be with us even to the end of the world.

“ We will therefore proceed till thou shalt have destroyed our bodies, as we have hitherto travelled on under the shield of Jesus Christ, clothed in the armour of his piety, guided by his spirit, and maintaining ourselves inflexible to every suggestion intended to make us forget our own dignity. We undoubtedly suffer when our bodies are exposed to torments, but we also teach, by our example, that no violence is sufficient to wrest the wise

man from his opinion and purpose to the detriment of his character ; and that it is highly advantageous to suffer for God, who is truth itself. As for the rest, it concerns me little whether thou causest me to die, by piercing my head with a nail or my breast with a lance ; my hands bound, or unbound ; my face downwards, inclined, upright, or raised from the ground ; that thou commandest me to be killed in my bed, my head severed from my body with a sword or sabre, or reclined on a block ; that thou impale me, fix me in the form of a cross, or consume me by a slow fire ; that thou bury me alive, hurl me down a precipice, or plunge me into the bottom of the sea. I care not whether my body afterwards becomes a prey to the birds of the air and the dogs of the field, or whether, in thy presence and with cruel complacency, it is torn to pieces by wild beasts and devoured ; for in the end I shall be safe and unhurt before God.”*

Such were the sentiments of the faithful, respecting their conduct to enemies of the Church, in the first ages of its establishment. And, let me now ask, could men who uttered

* Lucifer Calar. Moriendum esse pro Filio Dei.

such language as this harbour in their breasts any desire of superior power, or wish they were possessed of the means to oppress? No greater absurdity could be set forth to the world than to suppose that the martyrs who braved all the horrors of death with such great courage, in order thereby to prove the divine origin of the religion they professed, would have authorized persecutions under a plea of that same religion? Can any greater outrage be committed against their memories than to affirm that, for religious purposes, the use of dungeons, torments, and executions, (for of such, in fact, is the Inquisition composed,) could be approved of by men who considered it their duty to endure them, and who confidently expected that the degree of happiness which awaited them would be proportionate to the atrocity of their sufferings?

Martyrs of religion! Heroes of Christianity and philosophy! Ye gave to your own age, as well as those which were to come, the most irrefragable proofs that the doctrine of Christ crucified enlightens the understanding and inflames the heart. Ye also bore witness that if the most sacred property of man consists in his opinions, the most inviolable of all

is his religion. Eternal praise be to you, who knew how so worthily to defend it. Eternal execration be the portion of the wicked, who pretend to govern the understandings of others by means of force and terror. Receive, noble souls, the homage offered to the sincerity of your sentiments, by an impugner of the Inquisition, and of which its advocates in vain seek to deprive you.

CHAPTER III.

The Inquisition, far from contributing to the Preservation of the true Belief, is only suited to encourage Hypôcrisy and excite the People to Rebellion.

EVEN if meekness were not one of the characteristic virtues of the Christian religion, it nevertheless ought to be esteemed as the best means of extending and preserving it in all its purity. Meekness tends to aid truth in her conquests; and whenever both act in due concert scarcely any understanding can resist their united power. He who possesses the celestial gift of sweetness makes the universe his own, for no heart is so jealous of its freedom and independence as not to become its tributary. It is in this sense I understand the happiness Jesus Christ promises to the "mild of heart," when he says, "they shall possess the land," as a reward

for this divine quality.* The tranquillity with which they enjoy the fruits of their virtue is equal to the facility with which they acquired it; for there is no one so unjust as to disturb it, as David, in former times, gave his assurance.† Monarchs themselves, according to Seneca, make their thrones more secure when they found their empire on the principles of mildness.

“ Quisquis placide potens,
Dominusque vitæ, servat innocuas manus,
Animæque parcit, longa permansus diu
Felicis ævi spatia vel cœlum petit,
Vel læta felix nemoris Elysii loca.” ‡

———What man of might with favour leads his land,
And of his own lifes-lord reserves his hurtless hands to good,
And gently doth his empire guide without the thirst of blood,
And spares his soul, he having long led forth the ling'ring
days
Of happy age, at length to heaven doth either find the ways,
Or joyful happy places else of fair Elysian wood.

And if this observation holds good in all cases in which it is intended to conciliate the

* S. Matth. cap. v. v. 4. *Beati mites, quoniam ipsi possidebunt terram.*

† Psalm. xxxvi. v. 11. *Mansueti autem hereditabunt terram, et delectabuntur in multitudine pacis.*

‡ Luc. An. Seneca, Herc. Furens, Act iii. v. 738.—
Translation by Jasper Heywood; 1581, black letter.

affections and opinions of mankind in favour of truth and justice, will it not have a double effect in maintaining the belief of religion? It is therefore useless, or at least difficult for the understanding, that is, the most independent part of man, to yield to the impressions it is attempted to excite in favour of the faith, if, at the same time, its natural companion, the will, is ruffled by irritation. In this case the victory would be ideal, and the insensate man who should flatter himself with thus having obtained one, would reap no other fruits from his labour than a satisfaction equally vain and criminal. In welcome, let the Mahometan professors of divinity boast their ignominious right of forcibly sustaining and propagating their tenets, in default of prudence and reason; let the Arabs, who intruded into Europe, ruined Greece, and trampled science under their feet, establish the credibility of their dogmas by means of the scimitar; but the ministers of a religion like that of Jesus Christ, founded on enlightened principles and requiring a rational worship, can never promote its respect and defence by measures of violence and rigour.* Can any enlightened

* Rom. cap. xii. v. 1. "*Obsecro vos, fratres, per miseri-*

Spaniard be found to exist who, jealous of the glory of his nation, which having at length reached the happy day when the chains of despotism are broken asunder and the voice of truth heard among us, shall fail to cry out against a tribunal that wears the cross of Jesus Christ accompanied by the sword of Nero as the boasted emblem of its authority? Is there any one so prejudiced as not to discover, on the slightest reflection, that a tribunal which presents the monstrous aspect of meekness supported by terror, far from doing honour to the Gospel and human reason, only deserves to find a place in the book of Mahometan precepts.

The coat of arms used by the Inquisition is a green cross on a black field, with an olive-branch on the right side and a naked sword on the left; and this motto, taken from Psalm lxxiii. v. 22, placed round: "*Exurge, Domine, judica causam tuam,*" Arise, Lord, plead thine own cause;—the original text however is *Deus* and not *Domine*, Whoever was the author of this motto could never have read in the Gospel that God did not send his son to condemn the world, but

cordiam Dei ut exhibeatis corpora vestra hostiam viventem sanctam Deo placentem, rationabile obsequium vestrum."

to save it; since, otherwise, he must have discovered the great contradiction contained in the above motto, and its entire want of analogy with the doctrine whose defence is alluded to.* This application is not less improper than the use frequently made in the same manner of the words of Galatians, chap. vi. v. 14. “*Nobis autem absit gloriari, nisi in cruce Domini nostri Jesu Christi,*” But God forbid that I should glory, save in the cross of our Lord Jesus Christ;—since St. Paul, in the same chapter, recommends mildness towards those who may have erred.† How could the Apostle ever have imagined that his authority was, in time, to serve to uphold such a system of rigour, when the same was so contrary to his intentions? And, if the Inquisition has thus so wrongly interpreted the Scriptures, why should it appear strange that there is so little conformity between the two? I ought not, however, to

* S. Johan. cap. iii. v. 17. “*Non enim misit Deus Filium suum in mundum, ut judicet mundum, sed ut salvetur mundus per ipsum.*”

† Ad Galat. cap. vi. v. 1. “*Fratres, et si præoccupatus fuerit homo in aliquo delicto, vos qui spirituales estis, hujusmodi instruite in spiritu lenitatis, considerans te ipsum, ne et tu tenteris.*”

forget to notice that the green colour, so much in vogue with the inquisitors, is also held sacred by the priests of Mahomet.*

Truth requires no foreign aid for its support, and the means by which it makes rapid progress is to announce it with dignity. Similar to the stars which shine by their own light, it borrows no aid to dissipate the darkness of error, whereas the latter only gains ground by dark intrigue or violent practices. Truth, by merely shewing her face, gains all hearts; and her empire is so sweet as to resemble the most perfect freedom. Tyrants, to whom the accents of truth are unknown, derive from error the grounds by which they

* Vide plate No. 1. The original edict of the Inquisition from which this plate is taken, besides the mistake of *Domine* for *Deus*, which of itself proves how little the inquisitors handle the Bible, contains two other traits of the ignorance so peculiar to this tribunal, which we have conceived it our duty to correct on the present occasion, since no less than three blunders occur in five words. The first is an hispanism in the verb *exurge*, conformably to which it is by them written *esurge*, with *s* instead of *x*, as pronounced in some provinces of Spain, where the genius of the language tends to avoid double and compound consonants. The second is the insertion of *et judica*, instead of *judica* alone, in conformity to the text, by which means the sentence is greatly enervated.

call themselves lords over great empires, when, perhaps, they rule over no other than vast wildernesses, since they cannot conciliate the affections of a single heart. The heart of man does not yield to base or violent means ; its innate nobleness obliges it to detest every thing that is surprize and coercion. Even supposing it was at length persuaded by this eloquence of tyrants, it would reach the conqueror sad and dejected, and again escape from his power, as soon as its trammels of confinement were broken.

What then are the arms which ought to be employed in the defence of the religion of Jesus Christ? Ought they to be those of truth or of error? If we were to say the latter, all the examples presented in history of conquest made by the faith would rise up in judgment against us. No one can be pointed out that has not been owing to the demonstration of truth, and the moderate manner in which it has been displayed. It may, therefore, be affirmed without rashness that the sincere conversions made by the Inquisition have been none, or very few, from their having originated in terror rather than persuasion. Inexorable punishments employed in the support of a doctrine most assuredly must

render it suspicious; for, according to what has already been laid down, it conveys the idea that the understanding would not otherwise embrace it, notwithstanding its natural propensity to the truth. For this same reason, if it were credible that this tribunal had obtained the conversion of the many thousand victims it has condemned to grievous corporeal punishments after they had been reconciled, it would also result, that the means least analogous to influence the understanding and will were the best to attract man to the Catholic faith; and, consequently, that the latter was not the true religion, inasmuch as the arms of truth would not appear so well suited to sustain and propagate it as those of error.

Whatever be the intention with which we apply means to obtain an object, it is evident that these ought to be proportioned to the end in view; for, as all have a natural tendency towards their object, we should otherwise attain this by using means contrary to those we at first proposed. Under this supposition, when the violence employed for the attainment of an object is diametrically opposed to the means connected therewith, instead of carrying us to the point in view, it would

lead us to the opposite one, as the nature of things, in this case, would have more power than the caprice of the agent. And, as the conversion of a heretic consists in the change effected in his ideas and sentiments with regard to religion, and fresh ones being inspired into him, whenever violence is used it will only serve to make him adhere more pertinaciously to his first opinions. It would really be a phenomenon in the moral feelings of a man who, being outraged under pretext of his happiness, should not avenge himself, by denying to his oppressor that satisfaction he would derive from a victory. Thus would it happen, that he who has sufficient courage to brave death will remain unalterable, will sport with the impotence and cruelty of his persecutors, and run to the place of execution as if to a triumph. On the contrary, the weak man, terrified by the idea alone of torments, will externally abjure his errors under as many forms as may be prescribed to him, and in his heart will detest the authors of his oppression and perjury. The strong, in these cases, support the whole weight of the persecution, but the hypocrites fare best, and, for that reason, will always be most numerous.

Since man is a creature as noble for his understanding as he is unhappy for the facility with which he is carried away by his passions, with what circumspection ought he not to treat his fellow-creatures, when he is sensible of the great condescension he himself requires? The undeniable principles in which we all agree are very few in number; but the consequences derived from them are infinite; because the manner in which we view their relations is infinitely varied. Education, the beings which surround us, and a thousand other causes, imperceptibly act upon us, and hold powerful influence over our judgments, by modifying in numberless ways our perception of objects, and presenting them perhaps under every shape but the primitive and natural one. Do we not frequently see propositions meet with contradiction when they appear to us palpably clear, by merely being combated by objections almost as strong as the proofs on which they rested? On the other hand, the intellectual faculty of man having no precise and exact measure of the vigour with which he exercises its operations, neither has he any of the quantity of light he requires to call

them into action ; so that what to one man appears simple and evident to another seems complicated and obscure ; and even with respect to the understanding itself, it often happens that that is absurd to-day which yesterday bore the aspect of truth. Consequently, to pretend to convince others by our own judgment is to endeavour that they should see through our own eyes ; or rather, it is to oblige them to be led on blindfolded, and without any other plea than force. It is, speaking of religion, to make them victims of their own ingenuousness, if they have the courage to confess they are not convinced ; or of hyocrisy, if they are divested of this courage, which is most commonly the case.

It must therefore be deemed self-evident that the system of rigour adopted by the Inquisition, in order to oblige those to return to the Church who have wandered therefrom, besides being useless from the means being inadequate to the object in view, produces a contrary effect by causing them to continue more obstinately firm in their primitive resolve when they appear most to give it up. It equally follows that the Catholic religion,

by being sustained by false zeal, experiences real injury; for the dogmas of faith are in a certain degree confounded with error when they are defended with its arms; and the faithful also are mistaken for those who only feign to be such, when the latter, instead of being excluded from Christian communion, are obliged to continue therein at the risk of scandalizing the rest by that luke-warmness so natural to one who acts from compulsion and not conviction.

Strange, indeed, are the contradictions discovered in the proceedings of this tribunal. It has subjected culprits to an examination under torture, in order to wrest from their mouths the truth with regard to their belief; and, at the same time, has placed them on the scaffold when they have refused to commit a falsehood, not to act treacherously to their own sentiments and to the truth. Such conduct would be pardonable if a forced and purely mechanical worship was pleasing to the Creator; but if it is the intention that gives value to human actions,—if the preferable worship is that of the heart,—if it is the spirit of those who adore the Celestial Father which makes their adoration real,—what glory can result to this infinite Being by such

outrages? How can he have been pleased with those offerings made to him by the Inquisition of so many unhappy victims, terrified by its threats, or exterminated by its rigour? The priests of ancient Mexico were impressed with the idea that they appeased their deities by offering to them the hearts of the wretched persons chosen for these horrid sacrifices, torn by main force out of their entrails.† And, forsooth, do not our Inquisitors resemble them?

Examples are not wanting in this tribunal to confirm the inutility of all violent measures

* S. Johan. cap. iv. v. 23. "*Sed venit hora et nunc est, quando veri adoratores adorabunt Patrem in spiritu et veritate. Nam et Pater tales querit qui adorent eum.*—v. 24. *Spiritus est Deus, et eos qui adorant eum in spiritu et veritate oportet adorare.*"

† The mode of offering sacrifice among the ancient Mexicans was by placing the human victim on a large flat stone or slab, which stood on the upper area of the temple, when the Topiltzin or high-priest dexterously opened his side with a knife formed of flint, and tearing out the heart, whilst yet bleeding, he offered it to the sun, and afterwards threw it at the feet of the idol invoked. (*Vide Clavigero, book vi.*) This was done under the idea that the Divinity was most pleased with the offering of the heart of man; and hence was it common among the Mexicans to say, that a burning heart was most acceptable to God.—Tr.

in matters of religion. One of them is evinced in what happened, about the year 1334, with a clergyman of the name of Benanat, a resident of Villafranca del Panadés, in the principality of Catalonia. Whilst a prisoner, and condemned to the flames together with two companions, he consented to be placed on the faggots rather than retract from his errors; but when one of his sides was scorched, and the pain had become so great that he could no longer endure it, he cried out to be removed from thence, for he was ready to abjure. He was, consequently, taken down, and, on abjuring, was reconciled to the Church; but, fourteen years afterwards, it was discovered that he had continued under his former erroneous maxims. Imprisoned a second time, and placed on the burning pile, as in consequence of his having relapsed he had now no pardon to expect, he died persisting in his contumacy, as most probably he would have done the first time if that sentence had been, like the second, irrevocable.*

What interesting but galling truths, what just but poignant reproaches, would not

* Eymeric, Director. Inquisit. part ii. quæst. xi. n. 5; part iii. n. 204.

the tribunal of the Inquisition have heard from the mouths of the victims it so untimely immolated to the faith if they had been allowed to pronounce them? Now, at least, we may figure to ourselves one of them remonstrating, from the place of execution, with the members of that tribunal, in conformity to the very principles of the Catholic faith, and indeed as one of the Holy Fathers might have done, under the following terms :

“ What is it ye require of me, ye judges who thus defend the religion of Jesus Christ? Is it that I renounce my own opinion and acquiesce in yours? This command might be proper if it rested with myself to change my understanding, in order to decide on the reasons you comprehend, but which to me it is not given even to perceive. When my lips were to pronounce the truth ye propose to me, and which till now I have not known, would it depend on my own will that my sentiments were not conformable to my words? Why then would ye force me to mock your credulity, if ye hold my protests as sincere; or why should I be perfidious before God, and become ridiculous in your eyes, if, as prudent men, ye consider them

as suspicious?*" If I act with candour and good faith I draw down upon me all the inexorable vengeance of the law; but, by making use of duplicity and dissimulation, I become, in your opinion, deserving of pardon. As ministers of the God of truth, how is it ye think to increase his glory, by giving to him as adorers the weak and perjured? Suffer me to tell you, your conduct ought to be very different with me. If I embrace error, because I am dazzled by its appearances of truth, I shall be no other than an impostor, and, at most, deserving of your contempt; whilst if I embrace it with a full knowledge before me, I shall be a madman, entitled to your pity rather than your indignation."†

"Thy opinions," ye answer me, "deserve punishment, because they contradict the in-

* Thus Tertullian, speaking of the persecutions which the heathens raised against the Christians for their opinions in matters of religion, in his *Apologet. cap. xxvii. n. 1*, observes: "*Sed quidam dementiam existimant, quod quum possimus et sacrificare in præsentia, et illæsi abire, manente apud animum proposito, obstinationem saluti præferamus, Datis scilicet consilium quo vobis abutimur.*"

† The same Tertullian, *Apolog. cap. xlix. n. 2*. "*Sed in hujusmodi error si utique irrisione judicandum est, non gladius et ignibus, crucibus et bestiis.*"

fallibility of God himself in the dogmas of religion ;” but, I would ask, is it by fire and sword that these dogmas are rendered more credible ? If the most obvious truths become obscure under the sensations of pain, will those which exceed our capacity be then rendered more perceptible ? And even granted that I am unfaithful to the Divinity, is it ye who are charged to avenge his cause ? May it not rather be said, that it is your own interests and not those of God ; a spirit of faction, and not a zeal for religion, which impel you to anticipate his justice ?* And if the virtue most pleasing to him is charity, can an holocaust be grateful to him, in which ye so egregiously infringe its precepts ? Who will be induced to believe that ye pity my aberrations when ye hasten my ruin, which, possibly, at a future time I might have

* S. Johan. Chrysos. Homil. xxix. in Matth. cap. ix. v. 1, n. 3. “ *Multi dum Deum vindicare videntur, sed indulgent affectibus, quum oportet omnia cum mansuetudine tractare. Etenim universorum Deus, qui fulmen vitare potest in eos qui ipsum blasphemiis impetunt, solem suum oriri curat, imbres emittit, ceteraque omnia largiter suppeditat ; quem imitari nos oportet, rogare nempe, monere, insituere, cum mansuetudine non irasci, non effarari. Neque enim ex blasphemia quid nocumenti ad Deum accedit ut tu excandescas, sed qui blasphemaverit ipse vulnus accipit.*”

escaped? How is it ye can feel an interest for my salvation when ye cut short that time God had, perhaps, granted me for my conversion? Neither does it suffice that ye should consider my malady as incurable, since the Church, as a tender mother, never despairs of the recovery of her children,* If I merit death, because I object to truth from not knowing it, what punishment ought not ye to undergo, who, knowing it, treat it with no less regard than ye do error? Confess rather that it is distrust in that religion whose eternal duration ye blazon forth, as promised by its author, and not its belief, that impels you to sustain it in a manner so foreign to

* The same S. John Chrysostom, commenting on the parable of the wheat and the tares, in his Homil. xlv. on Matth. cap. xiii. v. 24, observes: "*His autem duobus ratiociniis movetur (Pater familias) ad illos servos cohærendos: primo quod frumentum non læderent; secundo quod illi (hæretici) incurabili morbo laborantis, luituri essent. Quapropter si vis illos puniri sine frumenti noxa, expecta tempus oportunitum. Quid autem aliud sibi vult quum dicit: Ne eradicetis simul et triticum, quam hoc quod dicimus? Si arma moveatis ut hæreticos occidatis, multos etiam sanctorum una occidi necesse est, vel etiam multi ex istis zizaniis ut verisimile est, convertentur in frumentum. Si ergo prius illos eradicetis, frumento etiam venturo nocebitis, si illos qui mutari et boni effici possunt eradicetis. Non igitur prohibet hæreticos reprimere, sed occidere vetat.*"

the work of God, and so much opposed to the sentiments of humanity.* I may perhaps have erred in not giving my assent to dogmas it was difficult for me to understand; but ye, as ministers of a religion it is your duty to uphold, discredit it by means of terror: nay, ye even deny it in a solemn manner by attributing to it a character which only belongs to sects founded by men, whereby its falsity is argued.”†

“Cease then, and cease, also, ye miserably deluded people, to celebrate among yourselves as a triumph the punishment ye

* St. Athanasius, in some measure excusing the Catholic bishops who, compelled by the Arians, had embraced their sect, in his *Hist. Arian. ad Monach*, n. 33, observes: “*Quod si indecorum omnino fuerit, Episcopos quosdam horum (damnorum) formidine sententiam mutasse, multo sane indecentius, hominumque suæ sententiæ diffidentium est, vim inferre, ac invictos cogere. Non enim gladiis aut telis, non militum manu veritas prædicatur, sed suasionem et consilio. Quænam autem ibi suasio ubi Imperatoris formido? Aut, quodnam consilium ubi qui abnuunt exilium tandem vel morte mulctatur?*”

† The same S. Athanasius says of the sect of Arius, *ibid.* n. 67: “*Quos verbis nequit ad suam adducere sententiam, hos vi, hos plagis, et carceribus ad se trahere nititur, propalamque facit se quidvis potius, quam religionem esse. Religionis quippe proprium est non cogere sed persuadere.*”

prepare for my constancy, or, if ye choose, my obstinacy, since it has even rested with myself to deprive you of this exultation. At least spare to the Catholic religion, if ye really seek its respect and increase, the shame that its victories should depend on the will of its enemies.* Rather declare that it has not been the rights of the Divinity, but the law of the strongest, which has braced your arm to vengeance; and this not for the purpose of doing good, but to sustain hypocrites, and add to their number.”—With reasonings of this kind might any one of the many victims which have perished in the hands of the Inquisition have remonstrated with his judges, if the authority lavished by kings on this tribunal had suffered him to utter his sentiments. It is forced dissimulation then,

* Tertullian, reproaching the Roman people for the pleasure with which they witnessed the execution of the martyrs, in his *Apologet.* cap. xlix. n. 2, uses the following words: “*De qua iniquitate sævitia, non modo cæcum hoc vulgus exultat, sed et quidam vestrum, quibus favor vulgi; de iniquitate captatur, gloriantur, quasi non totum quod in nos potestis nostrum sit arbitrium. Certe si velim Christianus sum; nunc ergo me damnabis si damnari velim. Quum vero quod in me potes, nisi velim, non potes, jam meæ voluntatis est quod potes, non tuæ potestatis.*”

and not the sincere conversion of the heart that is produced by measures so inconsistent in themselves.*

Nothing, in short, can better prove the violent system on which the Inquisition is founded, and, consequently, its inefficacy to

* The Author of the work entitled "The Tribunal of the Holy General Inquisition of Spain vindicated from the sophisms of false philosophy," speaking of the just reasons the Church may or may not have to oblige the wayward to return to its bosom by means of corporal punishments, and what influence this may have over the understanding, thus observes: "Since all the corrections and chastisements used to sustain the honour of religion have not even been sufficient, would spiritual arms alone suffice for the Church to triumph over the whole power of Hell? Would persuasion of itself be sufficient to propagate truth and dissipate error? Would reasons suffice for the understanding, the only means of defence and attack used in spiritual wars? What ignorance! In the king's tribunals do we not continually see most severe punishments in recent executions? Do we not also meet with some cruelties in the administration of justice which exceed the bounds of humanity and right reason? Are the punishments inflicted by the Inquisition different from those used by these tribunals? Does not the only difference consist in the execution being changed into other hands? And shall a circumstance so merely formal as this become an object of indignation?"— I shall refrain from making any comment on this multitude of inconsistencies, for it is sufficient to present them in order to prove their futility.

maintain the faithful in the belief and reduce apostates to their duty, than the frequent disturbances it has caused among nations, either at the time it was erected or after its functions had commenced. It is in these cases, that the natural repugnance which man has to force being exercised under pretext of religion displays all its activity. Hence the history of this tribunal is, on the one hand, a continued series of insurrections on the part of nations which have either opposed or sought to throw off its yoke ; and, on the other, of the assassinations of inquisitors, of whom the aggrieved took secret vengeance when they found it impossible totally to emerge from their slavery. Omitting the latter cases, as less relevant to my subject, I shall confine myself to the mention of popular insurrections, and only insert such as are most deserving of notice.

In Parma, in the year 1279, after the Inquisition had sent numberless persons to the flames, the indignant people rose and liberated a lady of rank whom its officers were one day carrying away to prison. They immediately proceeded to the convent of the Dominicans, who had charge of the tribunal, sacked it, beat the friars, and turned

them out of the city.* In 1420, a commotion, which lasted three days, broke out in Valencia, in consequence of Alphonsus V. attempting to introduce the Inquisition there, when the military resisted its establishment the most.† Another popular commotion took place in Zaragoza, in the year 1485, when their Catholic Majesties Ferdinand and Isabella established it there according to the new plan of Torquemada.‡ The Aragonese,

* Páramo, De Orig. S. Inquisit. lib. ii. tit. ii. cap. xxx. n. 13.

† Ibid. lib. ii. tit. ii. cap. ix. n. 5.

‡ Juan de Torquemada was the chief founder of the Inquisition in Spain. He was a Dominican friar, and confessor to Queen Isabella before she ascended the throne. Previous to her marriage with Ferdinand he had made her promise if ever she attained the crown to use all her exertions to extirpate heretics and infidels. On the union of Aragon and Castile the power of their Catholic Majesties was so much increased, that they resolved to expel the Moors from Granada and the other points they still held in the Peninsula. Success crowned their efforts, and a considerable number of the Moors were forced to cross over into Africa. Many, however, remained behind, and the king and queen agreed they should retain their property, on condition they renounced their own religion. These miserable people, as well as the Jews, who then abounded in Spain, were thus obliged to turn Christians; but this was only in exterior form, in their hearts they still clung to their ancient religion

flying to arms, refused to admit a tribunal of such a nature, on the plea that its judicial forms were opposed to the constitution and privileges of the kingdom; and, notwithstanding they were afterwards compelled to consent to its erection, it was only for a given time, and under certain restrictions.* The Catalonians did the same, when Lerida and other episcopal cities rose up, so that the inquisitorial establishment was not imposed on Barcelona till two years afterwards.† Another insurrection likewise took place in

and rites. Torquemada, under pretext of the injury religion and the state would experience from this dissimulation, solicited from the queen a compliance of her promise. Her remonstrances had their due influence over the mind of the king, and they consented to receive the Inquisition into all the dependencies of their two crowns. Pope Sixtus IV. issued the necessary bulls, and made Torquemada a cardinal in return for his services. The king and queen named him Inquisitor General, and his conduct perfectly corresponded to their choice. During the fourteen years he enjoyed this dignity, historians report that he caused 100,000 persons to be tried, of whom 6000 were condemned to the flames. From this time (1684) the Inquisition prospered in all Spain, and uniformly followed in the rear of her conquests.—Tr.

* Zurita, *Anales de Aragon*, lib. xx. cap. lxxv.—Antonio Perez. “Relacion del 24 de Mayo, y 24 de Sep.”

† Llorente, *Anales de la Inquisicion*, cap. iii. n. 12.

Zaragoza in the year 1590, to which the Inquisition equally gave rise.*

In 1506, whilst Father Diego Deza, who had been confessor to King Ferdinand the Catholic and a great favourite of his, of the Dominican order, and also Archbishop of Seville, filled the chair as Inquisitor General, a tumult took place in Cordova, in consequence of the proceedings of this tribunal. Rodriguez Lucero, Inquisitor of that city, persecuted the converted Jews in so cruel a manner that the people felt for their hardships, and rose in their behalf. So great was his bitterness and fury against those unhappy people that, in a boasting manner and by way of a proverb, he used to say, "Give me a Jew, and I'll render him back to thee burnt, (*Dámele Judío, y dartele hé quemado.*)" The mob proceeded to the Inquisition with the Marquis de Priego at their head, who patronized them from being the lord of the country; and, bursting open the doors, set all the prisoners at liberty, but Lucero escaped on horseback. The King, being informed of the event, caused Deza to give up his office of Inqui-

* Lupercio Leonardo de Argensola, *Información de los Sucesos del Reino de Aragon, en los Años 1590 y 1591*, cap. xxx.

sitor General, and conferred it on Cardinal Ximenes de Cisneros, ordering him, at the same time, to commence a prosecution against the Inquisitor of Cordova. On the latter being arrested and brought to the castle of Burgos the proceedings were re-instituted, and the witnesses examined of whom he was said to have availed himself for the perpetration of so many outrages. The sentence merely deprived him of his office of Inquisitor, and he was afterwards sent to fill a canonry which he obtained in Seville; but there is no doubt that the recommendation of the king to Cisneros powerfully contributed to his being treated with this humanity, for, on naming the latter as judge, his Majesty gave him an injunction to spare the honour of Deza, and consequently of the Inquisition.*

In the republic of Venice, in the valley of Camonica, the territory of Brescia, in the year 1518, the inquisitors tried several persons for the crime of heresy, contrary to the sti-

* Alvaro Gómez, *De Rebus gestis Francisci Ximenii*, lib. iii.—Diego Hurtado de Mendoza, *Guerra de Granada contra los Moriscos*, lib. i. The above saying of Lucero appears from an ancient manuscript note, placed in the margin of the said passage of Alvaro Gómez in the printed copy possessed by the inquisitor and bishop of Cadix, Don José Escalzo Miguel.

pulations entered into between the Pope and the Venetian government, by virtue of which these causes appertained to the civil power, from which circumstance serious injury arose to the parties concerned. In consequence of this affair a great ferment was excited among the people; and the Council called Of the Ten, having ordered the inquisitors to appear before it for the purpose of rendering in an account of their conduct, the magistrates annulled the proceedings and named fresh judges, and even after this it was with the greatest difficulty that the sedition was appeased.*

In Majorca, about the year 1525, and during the war of the Comunidades,† the patriots under the direction of the Bishop of Elvas, who happened to be there, flocked to the Inquisition with an intention to burn it to the ground, undoubtedly because they considered such an establishment as inimical

* Sarpi, Discorso dell' Origine, Forma, Leggi, ed Uso dell' Offizio della Inquisizione, &c.

† *Comunidades* (Communities) mean the Juntas or assemblies of the deputies from each town of Castile, which, on the part of the people, they represented, opposed the views of the Emperor Charles V. whence a war originated between the monarch and his subjects, to which the above name was given.—Tr.

to civil liberty, but the bishop of Palma, capital of the island, who was a royalist, arrived in time and was enabled to restrain them. The inquisitors, not considering themselves safe, secretly fled from the island, whither they did not return till the endeavours of the people were frustrated by the adverse fate of arms, when the commotions ceased, and the ancient system of oppression was again established.*

However one of the most terrible commotions caused by the Inquisition was that of Naples in 1546. I shall here extract the circumstantial account given of it by Bishop Sandoval, retaining, as much as I can, his own words: "Don Pedro de Toledo was at that time Viceroy of Naples, a man more ennobled by birth than the qualities of his mind. The Emperor Charles V. had ordered him to create an Office of the Holy Inquisition there, under the same forms as those adopted by their Catholic Majesties in Spain. This measure was attended with great difficulty, because the Neapolitans, as well as every other nation except the Spanish, consider this tribunal as insufferable, and more

* *Páramo De Orig. S. Inquisit. lib. ii. tit. ii. cap. ii. n. 40.*

than rigorous. Before the Viceroy proposed his determination to the council, he managed to put several persons into office on whose concurrence he could rely. When he thought the propitious moment had arrived for bringing forward the matter, he proposed it with all possible moderation, magnifying to the people the great service that would thereby be rendered to God and the Emperor, and how much his Majesty desired it for the good of the kingdom. The alteration produced in the minds of every one, on hearing that it was attempted to introduce the Inquisition among them, was very remarkable. All cried out that they would rather suffer themselves to be torn to pieces than consent to a measure so harsh and dangerous."

"The Viceroy was under the necessity of temporising, owing to the difficulty he met with, and at first judged it would be impossible to carry the measure into execution, so great was the opposition among all the people, nobles as well as lower orders. But afterwards, that it might not appear as if he had been forced to yield, he again insisted on the measure proposed, and named the inquisitors. One day, early in the morning, the people assembled in the square, and in order

that no division might arise between the nobles and people, which it was feared the Viceroy was plotting, they formed among themselves a league and termed it Union, by which they bound themselves by oath to favour and help each other against any person whatsoever who should attempt to alter the state or interfere with their liberties. Whilst things were in this crisis it happened that a man was carried prisoner through the streets, who cried out that they were taking him as a prisoner to the Inquisition. The inhabitants rushed to arms, and, taking a crucifix for their standard, cried aloud, "Union in the service of God and the Emperor, and courage in defence of our city." The Viceroy ordered a party of musketeers to advance from the castle, and directed them to kill every one found under arms. At the same time the three castles commenced a fire of heavy guns against the city, which did the most material injury to the buildings. They fought three days successively, and when each party was tired of slaughter a truce was agreed on, and emissaries were sent to the Emperor. During this commotion all the people were so incensed against the Spaniards that even the smallest villages rose up against them, so

much was the whole kingdom agitated. Capua, Nola, Aversa, and all the grain country round, were declared in a state of rebellion."

"Placidio Sancho, one of those who had been sent with a report to the Emperor, at length arrived at Naples, and declared that it was the will of his Majesty for them to lay down their arms, and, publishing a general pardon, he executed thirty of the chiefs, whom the Viceroy was particularly ordered not to spare. Twenty-four galleys also arrived, and in them 2000 Spanish troops. In consequence of this the principal ring-leaders fled away together with many others, and the city was left half deserted. Of the persons implicated in this affair, some passed over to France, losing their property and country for ever; others, to the greatest number, in six years' time obtained full pardon. The Emperor condemned the country to pay a fine of 100,000 ducats, besides the expenses and damages occasioned by this insurrection; and further ordered that Naples, for 40 miles round, should be entirely disarmed. The inhabitants of Naples were greatly afflicted at these events, and many abandoned the country, judging it an un-

happy lot to remain there, notwithstanding, in the opinion of every one, it is the most agreeable residence in the world.”*

So far our historian Sandoval. Who is there, on beholding the evils brought upon the Neapolitans by their resistance to the Inquisition, and reasoning according to the policy of the age, will venture to assert that princes ought to be sole judges of the nature and tendency of religious doctrines, and that the people are implicitly bound to obey their dictates? What compact exists between both, as a basis of their respective relations, to authorize an assumption of power so monstrous as this? Rather may it not be said that the ruin of nations is inevitable when, abandoned to the caprice of him who governs, they have no will of their own; when they are divested of a constitution, or are deprived of the means to cause it to be respected? Wretched however as was the fate of the Neapolitans, Charles V. was nevertheless obliged to desist from his purpose of establishing the Inquisition among them; nor was the attempt attended with any other consequences than those of adding hatred to

* Sandoval, *Historia del Emperador Carlos V.* lib. xxix.
§ xxxiv.

his own name, and exciting in the people of Naples fresh proofs of that same horror they had evinced against the tribunal in time of Ferdinand the Catholic, and which they again repeated during the reign of Philip II.*

Another circumstance occurred at Rome in 1559, also occasioned by the Inquisition. The people hated Paul IV. for several reasons, but principally for the great encouragement he gave to this tribunal, which Paul III. had just established. So great was the zeal with which the above pontiff patronized the new institution that, whilst he was yet cardinal, he hired a house to serve as a prison, secured the doors with strong locks and bolts, and procured an assortment of stocks, manacles, and other instruments, at his own expense, notwithstanding he lived in a very economical manner. On his death the people rose out of gladness, cast down and broke his statue, and threw the pieces into the Tiber. They instantly proceeded to the Inquisition, and, forcing open the doors, ill-treated a Dominican friar, commissary of

* Páramo, De Orig. S. Inquisit. lib. ii. tit. ii. cap. x. n. 5.—Luis Moreri, Diction. Histor. Art. Osuna, (D. Pedro de Giron primer Duque de.)

the tribunal, leaving him for dead; and next burnt the archives, doors, windows, and every thing else they found in the building. They then directed their course to the convent of La Minerva, in order to plunder and burn it; which they would have done, had not the authority of respectable persons interfered to restrain their fury. I ought here to observe, that it was not the populace of Rome that thus displayed their animosity against the tribunal; persons of the greatest distinction were also its enemies, among whom were several prelates and ecclesiastics, who complained that Christian liberty was thereby trampled upon.*

In Milan likewise, in the year 1564, an insurrection took place from motives of a similar nature. Pius V. proposed, and even solicited, Philip II. to establish the Inquisition in that kingdom, on the same plan under which it existed in Spain. The King, whether or not because he was fond of keeping the people in subjection, or was desirous of obtaining from the Pope a grant of the

* Domenico Bernini, *Istoria di tutte l'heresie*, tom. iv. secul. xvi. cap. vi.

Cruzada and *Subsidio*,* as well as the revenue of the mitre of Toledo to enable him to continue the palace and convent of the Escorial, complied with his wishes; though some persons affirm that the first project originated with Philip himself. However, as the aversion of the Milanese to this tribunal was notorious, and they had besides just lodged their complaints before the Pope and the King, by means of deputies sent to them, as

* *Cruzada*, or Crusade, was formerly a military expedition promoted by the Pope against infidels by granting indulgences to those who therein enlisted. By this means numbers flocked to the holy wars, wearing a cross on their clothes, whence they were called cross-bearers. Notwithstanding these romantic wars have long ceased, the Pope's bulls are still issued and in force in Spain, by which certain other indulgences and dispensations are now granted; and, as each individual is in great measure bound to purchase one annually, the price of which is fixed according to rank, their sale in Spain and America produces a large revenue, for the receipt of which a particular court is established, over which a Commissary General presides. *Subsidio*, also called *Escusado*, was an impost granted originally by Pius V. to Philip II., and since continued to the kings of Spain, by which they were allowed to appropriate to themselves the tythes of the largest estate of each parish throughout all the Spanish dominions. This fund was also originally intended against infidels.—TR.

well as before the Council of Trent, through the medium of their own bishops, it was judged advisable for some artifice to be used for its introduction. The means adopted were, that the archbishop of Milan, a dignity at that time held by Cardinal Charles Barromeus, should arm all his dependants, in order that the people might be thus accustomed to see an ecclesiastical court among them on a royal footing. I ought not to omit mentioning that the prelates of Lombardy also laid a remonstrance before the Pope, pointing out to him the great power the said establishment would give to Philip in those states, influenced as they were by an apprehension that if it was allowed there it would soon be brought into all Italy: and they also made a representation to the archbishop, reminding him how much his authority would be curtailed; but all their efforts were without effect.

As soon as the senate observed these ministers in the city with their arms, they seized one of them, and disarming him in the presence of his master, they proceeded to inflict the torture upon him. The cardinal received this act of justice performed on the person of his servant as an outrage committed against his dignity, and ordered (though he was not

obeyed) the magistrates of the city, including the Duke de Albuquerque, its governor, to appear before him; fulminating at the same time excommunications out against them. In the mean time the people took up arms, protesting they would never endure so tyrannical a yoke as that of the Inquisition. They cried out, that if it was tolerated in Spain, it was owing to the converted Jews and Moors, who abounded there; but, as this was not the case in Milan, such an establishment was an insult to a Catholic kingdom like theirs. King Philip, being informed of the difficulties attending the execution of his project, gave it up altogether; by which means he prevented a great contention which the above affair was about to produce in the Council of Trent.* Referring to this commotion in Milan, the inquisitor Luis del Páramo confesses that it was common for countries to rise up when attempts were made to introduce the Inquisition into them.†

* Luis Cabrera de Córdoba, Vida de Don Felipe II. lib. vii. cap. xii.

† These are his words: "*Mediolanense vulgus, ut communiter fit, commoveri ac obstrepere cœpit, paulatim ad arma concurrir, universaque civitas valde tumultuata est.*" De Orig. Inquisit. lib. ii. tit. ii. cap. xxx. n. 20.

Finally, every one is aware that the Low Countries rebelled against Spain in consequence of the same king Philip persisting to give activity to the Inquisition, which had been established there by his father Charles V., though it had remained in a state of suspense, owing to the opposition of the inhabitants; and also to introduce it into Brabant, where it had hitherto been impossible to effect its erection.* In the year 1567, he consequently sent inquisitor Alonso del Canto to superintend its organization, under

* In 1550 Charles V. issued a decree for the establishment of the Inquisition in the Low Countries; but his sister Mary, queen of Hungary, then governess of these provinces, feared the consequences of its being carried into execution. The measure therefore was not carried into effect till his son Philip II. came into power. The Low Countries then contained a number of learned divines who sought a reform in the Church, and had also become an asylum for various sects. The States remonstrated against the establishment, but Philip would be obeyed. The people at length broke out into open resistance, and commenced a revolution, the longest as well as the most obstinate and heroic that was ever known. The war lasted 60 years, was filled with numerous traits of valour and suffering, and eventually ended in favour of the people. The Inquisition consequently was the original cause of these horrors, and of the great loss that thence ensued to the Spanish crown.—TR.

the rigorous form the institution had assumed through the efforts of Torquemada. The Flemish, who till then had lived under a constitution somewhat liberal, and therefore trembled at the bare name of the Inquisition, seeing their privileges trampled to the ground, and their remonstrances disregarded, appealed to force as the only refuge left them. All orders of society, from the hardy rustic to the highest nobles and clergy, rose up against the establishment with an enthusiasm only equalled by the implacable hatred with which they detested so monstrous an institution. They considered it contrary to divine and human laws, more cruel than the greatest tyrants of history, and an infernal invention intended to build up the fortunes of a few wretches, insatiable in avarice and ambition, out of the spoils of honourable families and at the expense of public happiness. They next proceeded to form a regular conspiracy, binding themselves to each other's aid and defence, and calling down the anger of God and man if they laid down their arms before they had completely secured their liberty.

The Duke of Alva, Don Fernando Alvarez de Toledo, a good soldier but a sanguinary

character, proceeded to suppress this rebellion at the head of an army chiefly composed of veterans. The people, inexperienced in the art of war and badly equipped, were overthrown in the first onsets, being unable to withstand the impetuosity and guard against the stratagems of the Spanish general. But neither these misfortunes, nor the atrocious punishment inflicted by the duke on Counts Egmont and Horn, as well as on the other persons of distinction whom he ordered to be beheaded; nor the consternation he spread throughout all the provinces by condemning thousands of citizens to the sword, gallows, and flames, were able to induce the people to submit to the Inquisition; nor did this parade of violence produce any other effect than to confirm the idea they already entertained of its cruelty. Daily irritated still more, misfortunes only added to the courage of the insurgents, and they acquired new energies when the heavy chains which the conquered had to endure rushed upon their minds. The result of the inconsiderate and oppressive plans of the Spanish government was the dismemberment of the Seven Provinces which afterwards constituted the republic of Holland, by which means the then

colossal power of Spain was so greatly diminished and the national character tarnished.

But, in a political point of view, it is not this loss alone to the Spanish monarchy that calls for our particular attention, when we examine the insurrection excited in the Low Countries through a detestation of the Inquisition. It is besides necessary to advert that, about the same time, this tribunal, refusing to allow the Moors of the kingdom of Granada to retain the Arabic language, dress, and other usages received from their ancestors, (things so difficult to wrest from a prejudiced people) had the impolicy to harass them in such a manner as at length to force them into a general insurrection. In consequence of this, Philip II. had to divide his forces, and was unable to disengage a sufficient strength to insure the pacification of the Low Countries, whereby the flame acquired so strong and wide a spread that it was afterwards impossible to extinguish it. By these events, religion also suffered the most material injury, as well with regard to the inhabitants of the above states as those of Granada; for the first, justly scandalized at the unfeeling and violent spirit which actuated the Inquisition, galled by the ill-treat-

ment they had experienced from the army, and confounding under the same idea the names of Spain, Catholic religion, and Inquisition, gave greater latitude to all kinds of sects, which from that time acquired higher credit and authority. On the other hand, many of the Moors of Granada who survived the field of battle were compelled to forsake the land of their forefathers and cross over to Africa, where those who were Christians in their hearts were obliged again to embrace the faith of Mahomet as a refuge from further persecution.*

Pius V. was also the promoter of the above expedition against the Low Countries, by admonishing the King of Spain not to suffer the Catholic religion to meet with any injury in the above provinces, telling him that he ought rather to go there in person to punish the seditious. In like manner he encouraged their governess, Margaret of Austria, by offering her money and whatever else was within his reach, assuring her that the matter was of such great moment that, according to his own words, he would not hesitate to risk his

* Fámian Estrada, *De Bello Belgico*, Decad. I. lib. ii. & v.—Guido Bentivoglio, *Relazioni di Fiandra*, part. i. lib. ii.—Hurtado de Mendoza, *Guerra de Granada*, lib. i.

diadem upon it. On occasion of the victories of the Duke of Alva over the rebels, the Pope sent him a hat and sword, decorating him with these insignias as a defender of the faith. It then appeared that the extreme ardour of Pius V. which so much indisposed him with the people when he was a simple inquisitor, was by no means mitigated, but rather increased, after his accession to the Pontificate. Whoever, on the one hand, reflects on this circumstance, and, on the other, directs his attention, not so much to Philip II. whose exertions in favour of the Inquisition beyond doubt originated merely in political views, but rather to Charles V., whose religious zeal has been so much extolled, will readily admit that in the 16th century there existed a mania and rage in favour of this tribunal. Nothing is a stronger proof of this, at least with regard to the latter prince, than the regret he expressed, during his retirement among the monks belonging to the convent of Juste, of having kept his word to Luther, to whom he had promised a safe passage to the diet of Worms; alleging that such promises ought not to be kept with heretics, but that the injury done to God ought to be avenged,

and a timely stop put to the evil by causing them to die. For this same reason he enjoined the inquisitors not to be indulgent towards heretics, but in cases of impenitence to deliver them over to the flames, for no good could be expected from them.*

Should there be any one in the present day of this same way of thinking, I would ask him, what Charles V. would have gained by destroying Luther, particularly as it must have been done by the greatest possible outrage on honour and good faith? Undoubtedly the same as the Emperor Sigismund obtained by the death of John Huss, who, after being condemned by the Council of Constance, was cast into the flames, notwithstanding passports and a safe conveyance had been formally granted to him, when the result was, that out of his ashes a civil war arose. The truth of my assumption is strongly confirmed by the observations of Legate Contarini; who, writing at that time to Pope Paul III. and the college of Cardinals respecting the state of Lutheranism in Germany, observes, that even when all the heads were to die or be converted, persons of distinction

* Sandoval Historia del Emperador Carlos v. lib. xxxii.
§ ix.

as well as the common people would not change their sentiments, in consequence of interested motives and the habits of contradiction.* When those disturbances first took place they might have been easily calmed, if the rights of the altar and of the throne had been better understood, and if the Catholics had acted with more moderation and the sectaries with less precipitation. But, as the evil was not then remedied, will it be just to continue to add irritation to it?

Such have been the enterprises of the Inquisition and such its victories, as well with regard to individuals whose wills it has sought to overcome, as entire nations when threatened with its iron sway. Yet, how many of its crimsoned pages are we obliged to pass over without notice! To exasperate and embitter the mind by inspiring it at the same time with duplicity; to carry dread and terror throughout the land; to spread turbulence among nations and misery among families, are the fruits which have been gathered from this baneful tree, from the very time it was first planted. Introduced and alternately expelled by force, oppression has been its motto in every country where its head was

* Valcarce Desengaños filosóficos, tom. iv. cap. iv. § v.

reared, and execration the companion of its growth. In all times as well as in all ages, without even excepting Italy and Rome itself, the higher as well as lowest classes, the most indifferent secular as well as the zealous prelate, all have opposed to this institution, notwithstanding it was the work of the Popes, a firm and decided resistance. All have equally shuddered at its approach, and all have uniformly dreaded the destructive influence of its poisonous shade. And after the numerous testimonies of odium to this tribunal exhibited in the pages of history, and after the uniform sentiments of whole nations tending to confirm its reprobation, shall any one yet venture to assert that its co-operation is the best defence of true religion, and the most adequate means of bringing back the wayward to the path they had forsaken? Even if this institution had no other argument against it than the horror in which it has always been held, would not this alone be sufficient to convince us that a religion essentially mild, as is that of Jesus Christ, and instituted to captivate the whole universe by the attractions of truth, far from progressing under its influence, can only be attended with disaffection and contrariety?

It may, however, be objected, that popular commotions prove nothing against the Inquisition, since they equally existed against the apostles, and were excited for the purpose of counteracting the effects of their preaching; such, for example, were those of Ephesus and of Jerusalem against St. Paul.* A most material difference, however, will be discovered in the two cases, if they are only impartially examined. The apostles promulgated the gospel by leaving the liberty of the people to admit or reject it entirely uncontrolled, and without availing themselves of any other means than beneficence and persuasion. The interruption, consequently, of public tranquillity did not result from the doctrine they preached, but from the machinations of individuals interested in its persecution; more especially of the sectarian priests. Thus was it that the commotion of Ephesus was occasioned by the silversmiths who worked for the temple of Diana, because they discovered that through the prevalence of the new religion they would lose all their customary profits; and that of Jerusalem was promoted by the High Priest of the Synagogue and his ministers. For this reason,

* Act. Apost. cap. xix. v. 23, and cap. xxi. v. 27, &c.

in none of the commotions which the Scripture says originated in the preaching of the Gospel, do we find any of those horrid symptoms which uniformly accompany the insurrections of the multitude when impelled by a sense of outrage. The contrary has been the case with regard to the Inquisition; this inexorable tribunal, from its nature as well as the terror by which it is distinguished, has introduced alarm and dismay into every country where a spark of public spirit yet remained, and where the love of liberty had not become totally extinct.

Of the hypocrisy, as far as regards that false devotion which has so much thriven under the shadow of this tribunal, and which, properly speaking, is the effect of ignorance, we shall speak when we come to consider the war which the Inquisition has always carried on against the sciences.

CHAPTER IV.

The Mode of Judicial Process established in this Tribunal tramples to the Ground all the Rights of the Citizen.

OF no avail would be the wisest laws established for the order and government of society, if the latter is divested of the authority and necessary force to promote their exact fulfilment; and since men have submitted to public power in order to enjoy under its protection the benefits of which they would otherwise be deprived, the hope of these benefits and the dread of losing them will always be a strong means of restraining mankind within the bounds of duty. The primary instincts of man are rather of a disorderly nature, and it is reflection only that leads us to sacrifice our passions to the interests of public order. Hence then have hope and fear always been considered as the principal bases on which social establishments rest, and the chief links by which human society is held together. Therefore, whilst

the laws of economy give impulse to the first of these passions, by leading the citizen to seek his own happiness, and causing him to promote that of the political body, criminal legislation derives advantages from the second, by threatening those with punishment who should attempt to disturb the quiet of the rest. Nevertheless, neither the punishments assigned to crimes nor their prompt execution will ever suffice to maintain public tranquillity, if the avenues leading to Courts of Justice are not closed against the arbitrariness of Judges and the machinations of calumny, and unless the law afford an equal remedy to all. Punishments would, otherwise, be as much dreaded by the innocent as the guilty; and even were they only inflicted on the delinquent, they would not answer the purpose for which they were instituted, since the justice of the punishment would be equally as dubious as the existence itself of the crime. In this case, man in society, far from experiencing that complacency which the laws inspire when they insure his protection, would be dismayed at the apprehension of being unjustly condemned; criminal legislation, consequently, ought to combine the

dread of him who transgresses the law with the security of him who thereby regulates his actions. In a word, that tribunal can only be called just in which the delinquent does not hope to go unpunished, the innocent fears no injury, and the judges are deprived of every means of acting in an arbitrary manner.

In conformity to these principles, what idea are we to form of the Inquisition? Does the plan on which it is founded exclude all the inconveniences just enumerated? Unfortunately it rather possesses all these, as well as many others. The mode of conducting the criminal process, viz. that part of the legislation which ought to be most simple and clear, in this tribunal is a confused labyrinth, from the mazes and windings of which the honour and life of the accused can scarcely be extricated. An impossibility, almost absolute on the part of the culprits to substantiate the justice of their cause, and a facility almost boundless on the part of the Inquisition to aggrieve them, are the two principal hinges on which its judicial examinations turn in criminal cases. Like an abortion, which it in fact is, of the ignorance and fana-

ticism of the middle ages, its judicial forms in no way differ from the impurity of its origin; and its code is an assemblage of all kinds of barbarous legislations, till even illegality is therein reduced to system. A tribunal which, regardless of every thing man holds sacred, such as good faith and respect to the Divinity, forces him to utter the sentiments of his heart in order that they may serve as a motive of condemnation—a tribunal which, surrounded by darkness, rests the issue of the most important affairs of which it takes cognizance on the impenetrable secrecy of its proceedings—a tribunal, in short, which fears no one on earth, for to no one is it answerable, not even to public opinion, whose censure tyrants themselves have not escaped, of what horrors must it not be capable, what monsters must it not harbour in its bosom? It is therefore no longer a subject of wonder that such a multitude of enormous crimes have been committed by this tribunal, and rendered its name so odious—crimes so much the more revolting and abominable, because they have been committed under the sanction of religion.

What I have already said in the preceding chapters to impartial minds might suffice to

convince them of the defects and oppressive system of this inexorable institution; but there are others so blinded by prejudice as only to be moved by positive facts laid before them. Yet I am fully aware of the necessity of strong arguments, such as are founded on historical records, in order to strike the senses and undeceive a certain class of men, in whom, from the strength of prior impressions fortified by custom, the imagination holds despotic empire. It will consequently be, in great measure, facts that will henceforward be presented; and in the first place I shall proceed to examine the plan on which this tribunal is founded, and its method of carrying on judicial process. This task is the less painful, because it will in a certain degree evince that the obliquity of this institution has emanated not so much from the excesses of its ministers as the defective elements of which it is composed, and the peculiar essence of its form of government. It will, besides, tend to point out the merits of some, who, notwithstanding the difficulties of their vicious ministry, have conducted themselves therein with probity. And, as it is not my wish to wound the feelings of any one, particularly of persons who from their cha-

racter are worthy of the greatest veneration, I will speak with all that confidence and freedom which a good cause inspires ; but my attacks will be directed against the establishment, and not against the members of which it is composed. In like manner, in pointing out the practices which are now no longer in use, I shall do full justice to the comparative moderation by which of late years its affairs have been conducted ; or rather I will trace the philosophy of our own age, whose lights, notwithstanding every effort to exclude them, have been able to penetrate into the gloomy precincts and dreary abodes of this Gothic establishment.

*AUTHORITY of this Tribunal, under which
Title are comprehended the JUDGES and their
JURISDICTION.*

JUDGES are those who, under another name, are called Inquisitors. Of these it is only necessary to advert that the canon law requires in them the age of forty years, notwithstanding they only exercise part of the episcopal ministry, for which that of thirty suffices. Undoubtedly the popes prescribed this more advanced age in the inquisitors,

because they foresaw how easy it would be for them to abuse the authority confided to their charge, unless they were possessed of discretion and divested of the impetuosity of youth.* The same assumption makes it likely that the errors of this tribunal have, in general, rather originated in the want of talent in its members, than in a decided intention to act wrong. Indeed the idea commonly entertained of their abilities has not been very advantageous; nor is there a foreign author, out of the many who have declaimed against the Inquisition, that has failed to attribute to them this same defect. The following testimonies will tend to substantiate my charge.

With regard to the inquisitors of Italy, John Calderini positively asserts the fact, and exhorts them to take counsel of experienced men, as most of them are ignorant of the principles and practice of public law; adding,

* De hæret. cap. Nolentes in Clement. "*Nolentes*," says the Decretal, "*splendorem solitum negotii fidei, per ætus indiscretos et improbos quorumvis Inquisitorum hæreticæ pravitatis quasi tenebroso fumi caligine obscurari, statim nullis ex nunc, nisi qui quadragesimum ætatis annum attigerint, officium Inquisitionis prædictæ committi inquisitoribus.*"

that otherwise they would be in danger of absolving the guilty and condemning the innocent.* Judges who are unacquainted with the principles of right and the precepts of the canon law, I make no hesitation to say, cannot know their obligations, or be fitted to sit on the bench. Respecting those of Portugal, Tavernier furnishes us with proofs, in what he relates of a capuchin friar of the name of Ephraim de Nevers, who about the year 1600, was a prisoner in the Inquisition of Goa. When he was set at liberty, notwithstanding his great virtue and reserve, he could not refrain from complaining that no inconvenience he experienced was so great as that of seeing his fate in the hands of such idiot judges. Dr. Dellon affirms that he noticed this circumstance some years afterwards, when he was a prisoner in the same Inquisition.† Hence do the Portuguese noblemen say, when they wish to joke about the back-

* Johan. Calderini, *Tractatus de Hæreticis*, cap. vi. n. 1.

" *Quia Inquisitores ut plurimum sunt juris ignari, et possunt faciliter sic decipi ut absolverent condemnandum, vel damnarent forsitan absolvendum, debent circa occurrentia processus communicare consilia peritorum in jure.*

† Dellon, *Relation de l'Inquisition de Goa*, chap. xxviii.

wardness of their children at college, that they will put them into the post of inquisitors or canons.*

Relating to the inquisitors of Spain, we have the testimony of the two Attorney Generals belonging to the Councils of Castile and of the Indies, Don Melchor Macanaz and Don Martin de Miraval, (nor is this the only one of this kind I could quote,) who, in compliance with the orders of Philip V. to draw up a report respecting the Inquisition and the means of its reform, make use of the following words: "Notwithstanding it usually occurs that in this tribunal there are many learned men, still it has happened that not a few, devoid of both learning and experience, have given rise to many repeated and gross blunders, which in former times, as well as at present, would have required that restrictions should be placed upon them."† Another

* *Narrativa da Perseguição de Hippolito Joseph da Costa*, written by himself, tom. i.

† *Consulta de los Fiscales de Castilla y Indias tocante á las Materias de Inquisicion*, part i. art. i. This is a large quarto work containing 357 leaves, and now before me, in the hand-writing of Macanaz, and signed by himself: Montalvan, in France, Feb. 16, 1720.

proof of this is found in the upper colleges of Spain, which are now extinguished. It is public and notorious that every one who crossed their threshold expected a rich prebend or a good gown at the end of his literary career, even when his progress had not been great. But if there was any one of so little talent, that according to the vulgar saying, he wanted common sense, the dignity of Inquisitor of the Faith was obtained for him; so much so, that in this very acceptance the two following verses of the hymn *Pange Lingua*, sung in the prayers of Corpus Christi, passed into a proverb among the collegiates.

*Præstet Fides supplementum
Sensuum defectui.*

What our weak senses can't descry,
Let stronger faith the want supply.

I am fully sensible, as were the two Attorney Generals above named, that the Inquisition has possessed some men celebrated for their learning as well as their virtue. Such among others, and without going out of Spain, have been the two Inquisitor Generals Ximénez de Cisneros and Sarmiento Valladares; but this will merely argue that the stigma of ignorance attached to the body at

large ought not equally to extend to all its individual members. Neither does it prove that the tribunal has failed to persecute literary characters because some few of its chiefs have patronised them, as Sr. Sandoval y Roxas did Cervantes, Espinel, and Salas Barbadillo; and Cisneros still more by the foundation of an university. It is, besides, necessary to advert that many of its judges, even when sensible of the defects of their institution and convinced of its abuses, have been under the necessity of temporising, not to clash with the prejudices of their companions; for as prejudices are extremely dangerous in matters of religion, they are considerably more so in a despotic tribunal, whose members are necessarily tyrants and slaves one of the other. The same may be said of the *qualificators* and counsellors; for when the court, through mistake has sought the report of any one divested of prejudice, the latter has been obliged to adapt his language to the palate of his employers, or otherwise he exposed himself to their anger as a promoter of heresy, of which several examples will be brought forward in the course of this work. In short, nothing is more frequent than for man to give himself up to indolence when nothing

stimulates him to labour, and this has certainly happened with the inquisitors. For this reason, even supposing that when they entered on the functions of their office they were possessed of sufficient learning, it is to be feared they might lose it in the course of time. And, indeed, what was there to oblige them to retain it, when they were fully persuaded that their sentences, whatever they might be, would be received as so many oracles; and that no one could approach to examine them without incurring their anathemas, and becoming an object of their fury?*

* Even the common people, amidst the illusion in which they lived under the yoke of this tribunal, at length became sensible of the great ignorance that prevailed in its dark conclaves. This is proved by the following saying, to be met with in the mouths of every one.

Preg. *Que cosa es Inquisicion?*

Resp. *Un santo Christo, dos candeleros, y tres majaderos.*

Quest. What constitutes an Inquisition?

Ans. One crucifix, two candlesticks, and three blockheads;

alluding to the form and parade of its sittings, and the number of judges present thereat. The same common people of Spain also agree on this point with the nobles of Portugal, as above alluded to, in placing the canons and inquisitors on the same scale, as may be seen from the following adage—*Bienaventurados los tontos, porque ellos*

Although it is true that the canon law prescribes for inquisitors the age before stated, I ought not to omit mentioning that persons of a much lesser age have been invested with this dignity, either through a proper dispensation or abuse, without any other restriction than that of not holding a vote till after the age of thirty, and in the mean time acting as proctors on behalf of the court. I also conceive it necessary to state that the judge named by the diocesan bishop as his representative, besides being allowed only to concur in two acts, enjoys a consideration infinitely inferior to that of his companions; for instead of alternating with them in the order of seniority, the least that could be granted to him, he takes the lowest seat and signs the last of all.* The reason of this is, that the

serán canonigos.—Blessed are the fools, for they shall be canons.

* Thus is it laid down in the Compilation of the Instructions of the Office of the Holy Inquisition, done in Toledo, in the year 1561, also comprising those of the year 1484. They are inserted by D. José de Covarrubias, in the appendix of his work entitled “*Máximas sobre recursos de fuerza y proteccion*.” The same is also ordained in various parts of the work entitled “*Order generally observed in the Holy Office of the Inquisition, respecting the form of process in causes instituted therein, in conformity*

judges chosen by the Inquisitor General consider themselves as deputies from the Pope ; but let this be as it may, the measure proves the representation to be extremely trifling, and by no means decorous to the episcopal character. In consequence of this, some bishops, as if disdaining to send their co-adjutor, have commissioned a lay-person, or

to what has been enacted by the ancient as well as modern instructions. Compiled by Paul Garcia, Secretary to the Council of the Holy and General Inquisition, Madrid 1622." The copy of which I make use, besides the marginal notes of the author, contains other MS. ones by Don Antonio Gálvez, Secretary to the tribunal of Madrid, which place he held about the end of the last century. The same may also be observed in the work used as the manual of the Italian inquisitors, called *Sacro Arsenale Ovvero prattica dell' Ufficio della Santa Inquisizione*, by Father Eliseo Massini, a Dominican and inquisitor of Bologna, part viii. The copy of which I am possessed was printed in Rome, 1730, and contains some rules of Father Thomas Menghini, also an inquisitor, as well as various annotations by Dr. John Pasqualone, proctor of the Supreme Inquisition of the above city. Finally, the same is likewise ordained by the Instructions of the Portuguese tribunal for 1640, called *Regimento do Santo Officio da Inquisição dos Reynos de Portugal*, ordenado por Mandado do Illustrissimo e Excellentissimo Senhor Bispo, Dom Francisco de Castro, Inquisidor Geral do Conselho de Estado de S. Mag. Impreso nos Estaos (in the palace of the Inquisition) por Manuel da Silva.

delegated their powers to the senior inquisitor. The latter, in my opinion is what all prelates ought to do who have a due sense of their own dignity, when they do not personally claim their own rights, which most assuredly would most contribute to their honour.

Finally, the inquisitors and other dependants of the Inquisition, before they are admitted to their respective offices, are subjected to what are called proofs of the purity of their descent; by which they are compelled to prove, by the examination of their genealogy, that they do not descend from converted Jews or Moors, nor from ancestors who have incurred any inquisitorial censure. By this absurd practice, which has also been extended to the military orders as well as to some monastic ones, and even to colleges and other establishments, the conversion of heretics and infidels, instead of being promoted, has been changed into a title of infamy, and has created frequent disputes among families. This practice is both absurd and contradictory; because, as the report of the candidate has only to ascend to the fourth degree, his origin still remains uncertain; and because the same is exacted from a mere bailiff of the

tribunal, and not from bishops, nor even patriarchs or primates, whose influence in the government of the Church is infinitely greater.*

JURISDICTION relates to persons, places, and matters. With regard to persons, it may be said that the jurisdiction of the Inquisition resides in the Supreme Council thereof; for that of the provincial courts is merely precarious, nor can they be called courts of justice, without a *degré* of impropriety. I say this because, if they are only closely examined, it will be found that they have no other than permanent commissions, at least, in matters of moment, since they are not authorized to commence any such, and much less to terminate one, without the concurrence of the Supreme Council, whom they are bound to consult before any sentence is executed, and from whose verdict they cannot deviate. On the other hand, the Supreme Council, even granting that it has an undoubted right

* The inutility and inconvenience of these proofs are fully pointed out by Father Augustin Salucio, who wrote about the beginning of the reign of Phillip III. in his "*Discurso acerca de la Justicia y buen Gobierno de España, en los Estatutos de Limpieza de Sangre, y si conviene o no alguna Limitacion en ellos.*" Published in 1785, in the *Semanario Erudito*, vol. xv.

to a decisive vote, a point by no means agreed on, if the effects are only examined, ought rather to be called an assembly with a consultative voice, than an effective tribunal, from the powers of the Inquisitor General being so ample, or rather so exorbitant, that they in great measure paralyze its authority. According to these powers, the Inquisitor General, as well with regard to the Supreme Council as the other inferior courts, can prevent cognizance being taken of any particular matter, he may also order any process to be stopped; and, besides, bring before himself any cause in whatever stage it may be in; this, at least, is the existing practice. He can futher modify and alter all sentences of condemnation, in the terms and in the manner he may judge proper, even when they have received the authority of judgment, except the sentence which delivers the culprit over to the civil authorities; undoubtedly, because as this is pronounced among the ceremonies of the Auto de Fe, and ought to be executed *actu continuo*, to revoke it were to make the arbitrary measure too flagrant and public.* Finally, he even possesses the character of legislator, inasmuch as he is

* Peña, ad Director. Inquisit. part iii. com. xlv. n. 194.

authorized to interpret the canon law in matters relating to the government of the court; a prerogative which in the Church, the same as in society that of enacting laws, belongs to the legislative power.*

It is therefore evident that the jurisdiction of the district courts, properly speaking, is vested in the Supreme Council, and that the authority of the latter is again absorbed by the Inquisitor General. It also follows, that the authority granted by law to a bishop in the Inquisition of his own diocese is not real but only apparent, since the vote of his representative possesses no other value than that given to it by the Supreme Council or the Inquisitor General. Consequently this institution has stripped the bishops of one of their principal rights, or more correctly speaking, it embarrasses them in one of their chief obligations, which is, to watch over the preservation of the faith. This objection is by no means answered by the Inquisitor General being sometimes a bishop himself, for besides its being possible that he be not possessed of that dignity, of which there are many

* Eymeric Director. Inquisit. part iiii. quæst. lxxxv.

"*Quando occurrit dubium circa leges et statuta contra hæreticos, possunt inquisitores illud interpretari.*"

examples on record, a dioacesan bishop, when treating of the exercise of one of the most august functions of his ministry, neither can nor ought to abide by the verdict of a strange judge, in whose nomination he had not intervened. Neither can it be said that the rights of the bishops are secured by its being argued that they are not prevented from taking cognizance of the crime of heresy in their own ordinary tribunals, at the same time the Inquisition is acting thereon, since it is the sentence of the latter that will always prevail; and in Rome, whenever the bishops have made an appeal in which the Holy Office was implicated, it has always been usual for the preference to be given to the latter.

The jurisdiction of this tribunal extends to all classes of persons excepting bishops, whom it denounces to the pope, when it believes they have incurred the charge of heresy.* In America the inquisitors were restrained from taking cognizance of the crimes of Indians; since to have subjected the natives of that country to a tribunal of this nature in their rude and unlettered state,

* De Hæret. cap. Inquisitor. in 6, conformable to this regulation is another of the Council of Trent, Sess. xxiv. cap. v.

would have been to sacrifice them in an inhuman manner. Hence their causes of heresy were committed to the care of the bishops, in the same manner as their offences of witchcraft were confided to the secular judges.* With regard to the places where the influence of this tribunal can reach, it happens that a person persecuted in one kingdom can be equally so in another where an Inquisition is established, whenever the first makes an application, a measure that, in all probability, would not be neglected. Neither will the tribunal fail to avail itself of kingly mediation, if this be considered necessary, in order to seize on and wrest the culprit from another country, under the plea of high treason, as it did with the Spanish protestant, Francisco de Roman, who having been arrested by command of Charles V. in Ratisbon, for disobedience to his orders, was conveyed to the Inquisition of Valladolid and delivered over to the flames.†

* Solórzano, *Política Indiana*, tom. ii. lib. iv. cap. xxiv. n. 18.

† D. Juan Antonio Pellicer, " *Ensayo de una Biblioteca de Traductores Españoles*," Art. Encina. Pope Innocent VIII. by bull dated April 3, 1487, commanded all Catholic kings and princes, when applied to by an

As to the causes which come within the judicial notice of this court, it must be allowed that the crimes of polygamy, witchcraft, sodomy, and even of confessional seduction, ought to be considered as foreign to its competency, to which heresy alone ought to belong. On this point I shall merely observe, that the Inquisition has arrogated to itself the cognizance of the other crimes from principles of self-accord; or from that propensity generally found in all privileged courts, particularly in the ecclesiastical ones, to draw into their own hands as many matters as they possibly can. Certainly the suspicion of heresy attributed by the Inquisition to a person married more than once is devoid of all foundation, when he might have been led into this crime by a thousand impelling causes, without trespassing against the faith.*

Inquisitor General or any of his delegates, for the arrest and delivery of any fugitive, to cause the same to be arrested and delivered up. Llorente, *Anales de la Inquisición*, tom. i. cap. iv. n. 6.

* Charles III. by royal decree of Feb. 5, 1770, commanded the inquisitors to confine themselves within the limits of their jurisdiction, taking cognizance of the crimes of heresy and apostasy alone, and not to interfere with the king's courts by proceeding in cases of polygamy. In consequence of this, the Supreme Council of the Inquisition laid

With regard to witchcraft, I am persuaded, and will hereafter prove the fact, that the Inquisition in former times powerfully contributed to spread an opinion among the common people that many persons really practised this art. Indeed how could this be otherwise, when they beheld a tribunal that filled them with so much respect, and to which they attributed the perspicacity of the lynx, so seriously employed in persecuting them? But thanks to the declamations of certain philosophers, the Inquisition, now-a-days, has fewer opportunities of parading its zeal against witches and charms, and the nation has also less occasion for laughter and grief. Strange as it is, we have nevertheless

a remonstrance before the king, when his Majesty declared that the ordinary ecclesiastical jurisdiction might likewise take cognizance of the above-mentioned crime, in consequence of the deception practised on the parish curate who assisted at the second marriage. He also granted permission for the Inquisition to prefer charges in this case, but only when unbelief with regard to the Sacrament has been previously proved; for if, under the possibility of its existence, (the very reason alleged by the decree,) the tribunal should arrest the person of any one, it brings upon him the stigma of infamy, unless he should appear fully to have deserved it. With regard to the excessive extension of ecclesiastical jurisdiction on grounds purely specious, vide Domingo Cavalario, Institut. Jur. Canon. part iii. cap. ii. § 12.

yet to mention another species of crime of which this tribunal likewise takes cognizance, a crime which, however opposed to nature, has not the smallest affinity with heresy. No one better than those who have been called to the ministry of the altar, and are sensible of the purity it requires, will be able to declare whether it would not have been more adviseable to have waved all judicial interference with an offence which reduces the perpetuator to a rank inferior to brutes. In a word, the Inquisition not only punishes as a crime against the faith any aid given to culprits, whether it may have been on the part of respectable characters, or originated in friendship or affinity, but also imposes punishment on those who censure its acts, even when a love of truth and good order had been the sole instigation.*

In conformity to this regulation, when Aonius Paleario, formerly professor of the Greek and Latin languages in Sienna, Lucca, and Milan, censured the rigorous persecutions of this tribunal against Lutherans, as well as every man of talent, he was imprisoned by the order of Pius V. and carried to Rome, where, according to some, he was burnt after

* Bull "Si de protegendis," of 1st April, 1569.

having been hanged, and according to others, burnt alive.* Without entering into the other charges which might be alleged against such a proceeding, I shall merely observe that if the above was a crime, Clement XIV. must equally be considered as guilty, since writing to a Protestant minister he expresses his sorrow at the times when such things occurred, to which times he gives the term of "stormy, when each one," as he observes, "borne away by his own impetuosity, had deviated from the rules of Christian moderation. No one regrets more than myself," adds he, "the injury we experienced in the last century: the spirit of persecution is extremely odious to me.†" What a difference between one century and the other, as well as between the talent and greatness of soul of Ganganelli compared with many of the popes who preceded him!

Notwithstanding at first sight this tribunal appears to be exclusively destined to act and give sentence in criminal cases, it has nevertheless been frequently occupied in matters purely civil. This, in some measure, has ori-

* Diction. Hist. Art. Palearius; vide also the preface annexed to the Amsterdam edition of his works, 1690.

† Clement XIV. letter cix.

ginated in the sequestrations and confiscations of property to which criminal matters give rise; as well as in that active and passive privilege enjoyed by the inquisitors and their dependants in all kinds of suits, by which they are authorized to bring the latter into their own court, and cite before them any individual whatever. In pecuniary matters it is not to be wondered that the defendant is often obliged to appear before the Inquisition, and as it were at the mercy of the plaintiff, from such little consideration being paid to any one arraigned before it, and because the well-known principle of right which is founded on humanity and justice, viz. that the accused under a parity of circumstances ought to be favoured, has little or no weight with the judges. Finally, it is only necessary to remark that, although formerly the civil suits in the Inquisition were conducted in nearly the same manner as the criminal ones, and consequently experienced the same illegalities, at present they undergo the same forms practised in the other courts of justice.

FORM OF PROCESS.

The judge proceeds by virtue of his office, or at the suit of the party. In the first case

it is called by *Inquisition*, or Judicial Inquest; and in the second, by *Denunciation* and *Secret Impeachment*. Of these three modes of proceeding, the two first only are in use in this tribunal, viz. Inquisition and Denunciation.

BY INQUISITION OR JUDICIAL INQUEST.—When I observe that the Inquisition was established in the 13th century, I mean as a regular and ordinary tribunal, with a fixed residence, on the basis it now stands; for, taken in its full scope and under the various forms it has assumed, it is evident that its origin must be of a much more remote date, since it commenced about the period when the secular power for the first time sent out searchers after heretics, in order to deliver them over to the magistrates for punishment. This period was about the 4th century, when the discipline of the Church began to decline, and the first record in which the term *Inquisition* occurs, signifying the search or judicial inquest made for those who after being baptized dissented from the Catholics in matters of faith, was a law of Theodosius promulgated in 382*. From the period of

* Codex Teodosian. lib. xvi. li. 28, 29, and 40.—Justinian re-assembled the contents of these laws in his code

this law and others of a similar tenor, applauded, and possibly dictated, by some bishops, and afterwards confirmed by successive monarchs; the history of the Church is filled with blemishes, which considerably take from its splendour.

The 8th century more especially furnishes us with convincing proofs how much man may be deceived by a mistaken zeal for religion, or rather by a desire of revenge against those who in this particular are of a dif-

“De Hæret.” leg. iv. in the following words: “*Manichæos seu Manichæas, et Donatistas meritissima severitate persequimur. Huic itaque hominum generi nihil ex moribus, nihil ex legibus commune sit cum ceteris. Ac primum quidem volumus esse publicum crimen, quia quod in religionem divinam committunt, in omnium fertur injuriam. Non donandi non emendi, non postremo contrahendi cuiquam convicto relinquimus facultatem. In mortem quoque inquisitio extendatur. Nam si in criminibus majestatis licet memoriam accusare defuncti, non immerito et hic debet subire tale judicium. Ergo et suprema illius scriptura irrita sit, sive codicillo, sive epistola, sive quolibet alio genere reliquerit voluntatem, qui Manichæus fuisse convincitur.*” All heretics were comprehended under these penalties, even when their opinions were only proved by weak arguments, as may be seen by law ii. of the same code, in the following words, “*Hæreticorum autem vocabulo continentur, et latis adversus eos sanctionibus succumbere debent qui vel levi argumento a judicio Catholicæ religionis, et tramite detecti fuerint deviare.*”

ferent opinion. Charlemagne, more inhuman towards Pagans in France than Sisebutus towards Jews in Spain, gave a perfectly new appearance to the Inquisition, which strengthening itself by degrees from the time of Theodosius to that of Frederic II., at length destroyed the happiness of the people among whom it was established. That prince, after conquering Saxony, not content with forcing the inhabitants to embrace Christianity, and finding that many returned to the worship of their gods, deputed searchers deserving of the name of inquisitors, to go through the country and put all such to death. They formed an association founded on certain statutes, to the observance of which they bound themselves by oath, without their power having any other restrictions than those of their own pleasure; for they were authorized, not as formerly to seize heretics and bring them before the competent tribunals, but to judge them themselves in a summary manner, and even to make away with them by means of public or private executions, without any responsibility being attached to them. In order to strike their blow more effectually and with greater security, these assassins, and most assuredly they merit no better a name,

adopted a certain alphabet and signs by which they were known to each other, but which were occult to every one else. Such were the steps pursued by this strange tribunal from the time of its origin, till Pope Innocent III. and Frederic II. gave it the form under which it has since continued.* I think that no one, on reading that in ancient times the inquisitors were formed into a secret society to whose statutes they were bound by oath, and that they had an alphabet and particular signs for the purpose of knowing each other, will fail to think of the order of Free Masons; nor is this the only point of affinity I observe between the two institutions.

As soon as the tribunal was erected into a regular and permanent court, the process of inquisition was changed into that of denunciation; notwithstanding, however, it still retains in its practice vestiges of what it origin-

* Páramo, De Orig. S. Inquisit. lib. ii. cap. xxv. n. 1.
 “*Leges denique secretas, et notas occultas et juramenti formam eis præscripsit (Carolus M.) quibus in judicando et puniendo juste procederent, sibi que mutuo noti alios laterent, et necessarium in terra Saxonica judicium perpetuo conservarent. Alphabetis etiam certis inter se utebantur ad tempus.*” It is here meant by the latter words, that they changed the alphabets from time to time, in order to render their interpretation the more difficult.

ally was, which evidently prove that the spirit by which it is actuated is the same now as in former times, in like manner as its denomination is also unchanged. As such I consider the two edicts, one called "Of the Faith," and the other "Of Grace." The first is read every year on one Sunday of Lent, during the performance of divine office, in all towns where a tribunal is held, and in it a general injunction is laid to denounce every one who may have sinned against the faith within the space of six days. The second is issued with great pomp and parade by the inquisitors on their establishment in any city, or when they go on a circuit; and by it those are invited to give information against themselves who may be under any apprehensions of being denounced by others, for which a term of thirty or forty days is given, and pardon offered on condition of their compliance within the time prefixed, otherwise the delinquents are threatened with the confiscation of their property and the other penalties of the law.*

Undoubtedly a plan of such a nature is of all others the best adapted, not so much to

* Instrucciones de Sevilla, de 29 de Noviembre de 1484, § iii.

excite in the people a servile respect towards the Inquisition, as to fill them with selfish and malevolent principles, and form society into a horde of trembling and abject wretches. By these two edicts the prejudices and mutual odium of two individuals become the common cause of this tribunal, and the vilest passions of human nature, through its recommendation and influence, acquire the highest degree of authority. Hence did it happen that, in the first years in which these edicts were issued in the provinces of Andalusia, our ancestors were in such haste to become their own accusers, that from the year 1481 to 1520, no less than 30,000 persons informed against themselves.* And in truth, under such dilemma, who would not prefer to undergo a momentary, although undue and repugnant humiliation, to remain for ever under the stigma of defamation? Or rather, who was there that did not endeavour to call to mind every thing he had said during the whole period of his life; the expressions of his countenance on hearing a conversation, or even his silence, for fear this might have rendered him suspicious, when he was aware

* Páramo, De Orig. S. Inquisit. lib. ii. tit. ii. cap. iv. n. 12.

that by presenting himself voluntarily he escaped all molestation, whilst through any inculpable forgetfulness he brought ruin on himself and family. Even thus, every one who escaped might be considered fortunate; since, according to the ordinances of Portugal, the invitation of the inquisitors, as well in their circuits as at all times, was a mere lure, as they were able to throw the self-informer into a dungeon if they choose, under pretext of his not having confessed all he was obligated to do.* This same was experienced by Marc Antonio de Dominis, Archbishop of Spalatro, who having embraced the Protestant religion passed over to England; he afterwards returned to Rome, whither he had been invited by the Pope and the Inquisition, both of whom had offered him pardon. He nevertheless died in prison, as is generally under-

* The above Ordinances, lib. ii. tit. ii. n. 4. contain the following words: Parescendo aos inquisidores que a pessoa que se appresentou não faz inteira e verdadeira confissão de sus culpas, será reteada em uma caza fora do carcere, e se verá seu processo em meza pelos inquisidores, e tomandose nelle assento que seja preza asi se executará, e ainda que satisfaça logo depois de preza não ficará gozando do privilegio de apprezentado, posto que em seu despacho se poderá ter á isso algum respeito."—The term *processo*, is here taken for the declaration or con-

stood, through the effects of poison administered to him by his own relations, in order to spare him and themselves the shame of his being brought out in an Auto of the Faith.*

There is, however, still another reason why so great a number of persons stepped forward, on the re-establishment of the Inquisition under the new shades of ferocity added to it by Torquemada, in order to accuse themselves of crimes which in all probability they never dreamed of committing, and this is, the strong sensations caused by the alarming spectacle of the frequent punishments at that time inflicted; since there is no sacrifice too great for man when agitated with terror. Hence at no time and in no place have so many witches been seen as in the duchy of Lorrain in the 14th century, when they were persecuted in the most inexorable manner, and the alienation of mind caused by the terror of punishment in some persons was so great, that they confessed crimes which they

fession made by the culprit against whom there is no testimony or denunciation alleged, since it had been thus previously laid down in n. 2. "E não havendo contra a tal pessoa testemunhas posto que a noticia procedesse de sua propria confissão," &c.

* Diction. Histor. art. Dominis.

never could have committed, even if they had wished it; crimes which, as soon as the prejudices of the common people were dissipated, and their persecutions at an end, have entirely ceased.* In like manner in Italy, when the Inquisition was re-established, heretics sprung up in every quarter; because the ignorant upstarts of those days, elated with their learning and devotion, conceived that in every man who was not entirely of their own way of thinking they saw a Calvinist or a Lutheran, just as those of the present age behold no others than Jansenists and unbelievers. Princes and princesses, entire colleges, priests, friars, bishops, and even cardinals, were then metamorphosed into sectaries. Paul IV. himself, who by the protection he gave to this institution, might be considered as the principal author of so many extravagancies, was satisfied with a compromise on the part of Cardinal Polo when accused of Lutheranism, and of whose cause he was personally taking cognizance, consenting that the papers drawn up by the Cardinal in his own defence should be burnt, and the affair buried in oblivion; fearful that if they were published he would be in a worse

* Feijoo, Teatro Crítico, tom. ii. disc. v. n. 58, &c.

plight than the accused. But this frenzy did not stop here; it even became necessary to fill up many of the places of the Inquisition with laymen, for it was discovered that numbers of the ecclesiastical inquisitors were themselves heretics.*

In combating the vulgar error respecting witches Feijoo observes "that it frequently happens that persons of a lively imagination, but devoid of courage, on contemplating any enormous crime whilst under the influence of terror, particularly if the town has been disturbed and the police under alarm, experience such a strange perturbation of the brain, that this receives the most unaccountable and chimerical impressions. The horror of crime and the severity of punishment disorder the animal spirits so much, that the dread of incurring blame drives the imagination to fear the actual commission; and from profoundly meditating this as possible, the mind at length comes to the actual transition of being convinced of guilt. The strong apprehension of

* Bernini, Istor. di Tutte L'heresie, tom. iv. secol. xvi. cap. vii. These are his words: "*Questa risoluzione in servirsi di secolari fu presa, perche non solo molti vescovi e vicarii e fratri e preti, ma anco molti dell' istessi inquisitori erano heretici.*"

the idea which, at the beginning was only considered as abstract, imprints itself so deep and under so lively a form as to render its real existence no longer dubious. The blind imagination rushes on those objects which the terrified will seeks to avoid, in like manner as the head strikes the very spot from which the feet attempted to wander ; or, as the anxious wish of one travelling over a precipice not to fall perturbrates him so much that he can no longer keep on his feet. For this reason it is," adds our author in a sporting tone," that I venerate that most discreet lentitude with which the holy tribunal of the Inquisition proceeds in its resolutions." Besides the obstacles which the malice and ignorance of men oppose to the examination of truth, in the crimes judged by that tribunal the most to be feared is that a fool may pass for a real delinquent. Heresy, blasphemy, and superstitious rites are certainly horrid crimes; but in them it is still easier for the exterior act to proceed from the depravation of the understanding, than from the perversion of the will.*

* Feijoo, Teatro Crítico, tom. ii. disc. v. n. 58, &c. As this author, from having carefully examined the matter, was well aware that the persons condemned by the Inquisition

How great, therefore, must have been the terror infused into the minds of the people by the first appearance of the Inquisition at Seville! and how alarming must have been the perturbation of the mind, when even such strong symptoms were visible in the very persons who introduced it, and were the

for witchcraft amounted to many thousands, he could hardly allude to its lenitude and discretion in judicial proceedings, unless he meant that lenitude which it ought to have had, and not that which in reality it possessed. He only who is unaware of the irony of Feijoo, can doubt the keen manner in which he criticises the proceedings of the tribunal in the passage above quoted; nor can it be denied that he exhorts its members to act with more circumspection, a circumstance that must appear obvious to every one who considers how much this wise man laboured to diminish the evils ignorance causes to humanity. In the style of this criticism we discover others in several of our classical writers who combated the abuses of their own time, of which I shall make mention as they occur. Their opinions with regard to the Inquisition, although disguised with the enigmas of fable and tempered with jests, are too palpable for me to omit doing justice to their judgment in this particular, and thus strengthen my own assertions by the weight of their authority. I shall be happy in manifesting to the whole world that, notwithstanding the tyranny of this tribunal, persons have not been wanting in Spain, who, while they sheltered themselves from its vengeance, nevertheless impugned it in such a manner as to deserve the gratitude of posterity.

depositories of its authority! Let the multitude of those who by its means hastened to be reconciled to the Church no longer be quoted as a proof of the utility of this tribunal; for it is to be conjectured that they rather sought to elude its resentful rage than lay aside their errors, if in reality they had any. The objections against a general inquisition or search are too clear not to have been known to legislators; for this reason it has been banished from all codes, whenever superstition and despotism have had no interest in sanctioning them. Indeed, as long as crimes are so hidden as to produce no external effect, equity prescribes the belief of their non-existence, for in this case it is the same as if they really did not exist; otherwise the magistrate would be in continual search of delinquents on whom to vent his rage and vainly display his power, and not of vices, in order to effect their reform. Hence when a law containing a renewal of that of Theodosius already mentioned, yet aggravating it with capital punishment, was about to be published in Africa against heretics, St. Augustin and other zealous bishops of his time represented to the government the evils that would thereby

ensue. However the importunate suggestions of others who were in favour of Inquisitions prevailed over the remonstrances of these prelates, and the publication of the law was carried into effect; but when the evil consequences predicted by St. Augustin came to be verified, Pope Gregory the Great some years afterwards solicited its revocation, and obtained it.* But of this I will adduce further proofs: the Emperor Trajan, notwithstanding the system of intolerance he adopted against Christians, and his orders to punish them whenever accused, forbade that any search or inquisition should be made after them, reprobating this measure as cruel.† How different has been the conduct of the Inquisition with regard to sects! It is certainly a melancholy circumstance that nations possessed of the Gospel, and consequently in no need of learning from the excellent treatises of morality handed down to us by

* Van-Spen, *Jur. Ecclesiast.* part iii. tit. iv. cap. iv.—
S. Gregor. M. *Registr. Epistol.* lib. v, epist. viii.

† Pliny, lib. x. epist. xcvi.—Tertullian, in his *Apologet.* cap. ii. considers the measure of Trajan as contradictory, possibly, because he was not aware of the political reasons of the Emperor.

the heathens, should still in their conduct, have so many examples worthy of their imitation among them!

It would be impossible to view in any other light than as barbarous an institution which, besides ordering and authorizing an odious search or inquisition, has made this even its chief motto, and out of it formed its very appellation. No better name can be bestowed on the *Enquesta*, a species of criminal court used formerly in Aragon, and which as well in the origin as the signification of the term is nearly allied to the Inquisition. This court excluded from the protection of the laws any citizen who might have exchanged this title for that of a servant of the king, and entirely subjected him to the caprice of his lord. Thus has it happened that one of the king's household was called up to the palace seemingly for business connected with his duty, and perhaps an hour afterwards was seen a corpse slung on a beast of burden and carried before his own house to be buried.* The *Enquesta* was possibly quicker in dispatch than the Inquisition, but the latter has surpassed it in ferocity.

* Antonio Pérez, Relacion del 24 de Mayo,

BY DENUNCIATION AND SECRET IMPEACHMENT.—This is the most usual mode of proceeding in the Inquisition, in preference to that of accusation. The reason is obvious: the denunciator or simple informer does not bind himself to prove the charge he prefers, and is under no apprehension of punishment, unless calumny is the result; whilst the accuser obliges himself to follow up the suit to its issue, subjecting himself to the penalties of retaliation, or the others prescribed by the law against those who are unable to prove the crime they have alleged. Why then should any one pretend to lodge an accusation in the proper forms, when the Inquisition was always ready to admit an informer? The operation of accusation is, however, included in that of denunciation, at least with regard to its effects, and when the whole process is well considered, it will be found that even the agency of inquisition or search is equally blended therewith. To oblige the faithful to lodge information against any expression that may sound ill, besides the secret emissaries of the tribunal, is to create as many spies as there are members in society. To oblige those who live under the same roof and eat

at the same table, to discover crimes which could not be pryed out but by resorting to the most atrocious felony, is to carry espionage to a most unexampled height of fury. In short to oblige persons to inform against themselves, in order that their names may be eternally inscribed on the infamous records of the Inquisition, is to wield superstition and tyranny in such a manner that it alone was capable of inventing.

It has been established among theologians that he who proffers an heretical proposition, although it may have been heard by and is known to no one, is not less subject to the excommunication reserved to the inquisitors than if he had pronounced it in public; for notwithstanding it is true, add they, that the Church in quality of a visible association does not judge secret offences, the case in question is rendered so *per accidens*, and not *per se*. Confessors know better than myself that some penitents, refusing to appear before the Inquisition for the purpose of obtaining the absolution of the censure incurred, have deferred sacramental confession to the hour of death, when all reserve ceases. Either this was because they could not persuade themselves that the external jurisdiction of

the Church extended so far, or else they wished not to expose themselves to have their names some day or other publicly stained with so foul a blot, as has now happened by the irruption of the French into the kingdom, who have taken out all the documents they could find in the Inquisition, and distributed them to every one who wished to pick them up. I have nothing more to add on this head, except that the tribunal of penance is not that which has least suffered from the tribunal of the Inquisition, nor under less titles.*

* The obligation which even those are under, whose crimes are hidden, of soliciting from the inquisitors a dispensation from ecclesiastical censures, and the necessity of the intervention of the notary in the granting of it is acknowledged, though with a certain degree of doubt, by Ignacio Lupo de Bergamo, in his work entitled "*Nova Lux in edictum S. Inquisit.*" part i. lib. viii. art. iv. diff. ii. This same is, however, enjoined by the Instructions of the Inquisition of Seville for 1484, the fourth article ordaining as follows:—"Those persons who, under the duration of the edict of grace, or at any time afterwards, may appear and express a wish to be reconciled, shall present their confessions in writing to the inquisitors, whilst the court is sitting, certified by the notary and two witnesses, or three of the officers belonging to the same, or else other respectable persons."—That the delinquents here alluded to are comprehended under this general rule is fully proved by

It cannot be denied that the discovery of crimes made to a magistrate for the purpose of punishment in conformity to the laws, has ever been held as an imprescriptible right of the citizen by the most celebrated nations of the universe, viz. the Hebrews, Egyptians, Greeks, and Romans. More especially among the latter, and in the most flourishing times of the republic, this proceeding far from being deemed dishonourable, was held in the light of a service done to the country, and considered as the firmest support of liberty. For this reason many illustrious personages appeared then in the forum in the character of accusers; this was even the avenue that led to merit and celebrity. Thus Cicero owed to the office of accuser great part of his glory; and Cato, who had been accused

the fifth article, in which they are exempted from the same, but only as far as regards public abjuration. The Ordinances of the Portuguese Inquisition, lib. ii. tit. i. n. 13. enjoin all confessors to use every exertion in order to induce secret heretics to make a personal avowal; yet it is nevertheless true, that the same Instructions empower confessors to absolve them in case they persist in refusing to appear, a practice which lately has been received among us, from its having been necessary for the tribunal to make the most of the penitent,

forty-four times, and as many times absolved, deemed it glorious to his grey hairs to become an accuser. But it is necessary to recollect that theirs was not a denunciation; it was a true and formal accusation, and in this sense the impeacher, no less than the impeached, submitted to the penalties respectively imposed by the law. By this means, among the above nations public tranquillity and private security were conciliated, both having for their basis the mutual vigilance of the citizens, and the severity of the punishments ordained against the calumniator.

To this well-equilibrated plan of accusation the Roman laws still added certain restrictions, which were the more laudable because they prevented calumny rather than punished it. They denied the right of accusing to all persons suspicious for the weakness of their sex, the want of age, the lowness of character, known bad faith, or their preponderance. In like manner also, for reasons equally just, they did not suffer members of the same family to accuse each other. "The law," says Filangieri, "beheld a suspicious accuser in the man who does not respect the

sacred ties of blood or the obligations derived from gratitude."* An accuser of this nature would have been covered with the confusion and contempt of the tribunal itself, even before he had received the stigma of public opinion. Besides, if the laws have established prescription in civil cases in order to avoid uncertainty in the dominion of things, with how much greater reason ought they not to establish it in criminal accusations, in favour of liberty, honour, and the life of a citizen? Criminal accusations had a determined duration, for which there was a motive not less just than the former. Time, which buries facts in oblivion, still more quickly effaces from the memory their accompanying circumstances, and consequently deprives the accused of the means of his own justification, leaving to the calumniator, by an inverse ratio, fresh opportunities of disguising his falsehoods. In conformity to this the accusation not only became extinct by the death of the culprit, but also by the lapse of twenty years in some offences, and of less in others.

The Inquisition does not however act in

* Filangieri, "Della Scienza della Legislazione," lib. iii. part i. cap. ii.

this manner; for, taking rather from the simple denunciation whatever is favourable to the informer, and from the rigorous accusation what is contrary to the culprit, it has created a new judicial process which it is impossible to class or define. In it the rancour and vengeance of those who traced it seem emulously to shine, and it is difficult to discern whether their blows are most levelled against the rights of justice or of humanity; for who can defend himself against calumny when stimulated by the law, and accompanied with almost a certain hope of impunity? This bane of society, by means of secrecy, is converted into an arm that wounds at an immense distance.

The informer, although he may have acted inconsiderately, besides being exempt from punishment, in consequence of the sophistry that the impeachment is directed to produce the amendment and not the punishment of the accused, is a treacherous enemy who strikes in an unguarded moment when he proceeds with bad faith, since the accused is never informed of his name, in order that he may be enabled to state his objections and exceptions; rights which are conformable to nature, to the good order of society, and

which the Inquisition alone has dared to refuse. On the other hand, a wide field is not only left open to informers to establish and carry on their malevolent and false criminations, but they are even invited and compelled to become accusers. What then is the check which this tribunal places on the informer? Certainly no other than the prudence of the judges, which is the same as to say their arbitrariness.*

With regard to restrictions, none are to be expected in a denunciation actually commanded and ordained by the tribunal; for even insensible beings would be compelled to inform, if it was in their power, or else

* Popes Alexander IV., Urban IV., and Clement IV., granted three years' indulgence to every one who may give aid to the inquisitors, and consequently to every secret informer.—Eymeric, Director. Inquisit. part iii. quæst. cxxviii. Pius V. moreover enacted; that no regular prelate, either by way of chastisement or penance, shall be allowed, for any fault whatever, to trouble any secret informer, being one of his subjects, during the period of five years from the date of his information laid, unless the Inquisition should agree thereto, for which purpose he is previously to consult it.—Lupo de Bergamo, Nova Lux in edict. S. Inquisit. part. i. lib. iv. diff. ix. art. iv. The penalty against the negligent and tardy, according to several pontifical decrees, is excommunication, and their being considered as abettors of heretics.

incur the penalty of the highest excommunication. Unable to extend its jurisdiction over the physical order, for the purpose of carrying its scrutinies into effect, it overturns the moral order of things by silencing the dictates of reason, and stifling the purest sentiments of humanity. At the same time that it attaches infinite importance to a word, and deems the persecution and death of him who uttered it as the only means of preserving religion and the state, it eagerly grasps at any instrument however weak it may be, any slight surmise, although it may have the strongest presumptions of right against it, and holds them in the light of props to the edifice it endeavours to sustain. Not only females and striplings under age, on whose judgment little reliance can be placed, but the infamous, those who are pronounced banes of society, and even the perjured, who are publicly known to disregard the sacred solemnity of an oath, are all admitted, and even enjoined, to lodge informations before this tribunal, without any other restriction than being bound to swear that they have been induced to this measure by no other impulse than a zeal for the faith and the dread of punishment. The Inquisition does

not stop here. It believes, or feigns to believe, that the excommunicated, the heretic himself, nay, even the infidel, takes a true interest in religion when he subscribes to an impeachment and is admitted.* Legislators who thus unblushingly trampled on the rights of justice could not be expected to pay any regard to the tender ties of domestic piety. Among us therefore one brother is not secure against another; the mother is rendered suspicious to her own children; and the spouse, or father of a family, busied in daily labour to provide sustenance for the objects of his tender love, in all of them has a continual spy, because it is thus the pharisaical inquisitor ordains.†

Whilst the Pharisees were extremely scrupulous in matters of religion, they at the same time omitted other virtues without which this becomes mere hypocrisy. Those very persons who punctually paid tithes on mint, anise, and cummin,—who compassed both sea and land to gain one proselyte to

* De Hæret. cap. Accusat. in. 6. What is said in this decretal of the witness is also to be understood of the secret informer; for in fact he acts both parts.—Eymeric, Director. Inquisit. part ii. cap. xiii. et part. iii. n. 68.

† Eymeric, Director. Inquisit. part ii. cap. lxx.

the Synagogue, and persecuted Christ and his Apostles as innovators of the faith,—did not hesitate to affirm that the succours which a son owes to his parents are better employed when offered to the ministers of worship. Such were their ideas of the obligations by which they were bound to the very persons who had given them birth.* This, however, was not the opinion of St. Paul, although he had been a pharisee; nor would many of the prelates of the church have been of this way of thinking if they had remembered that they also were apostles. The above great expounder of the Gospel observed: “If any provide not for his own, especially those of his own house, he hath denied the faith, and is worse than an infidel.”† Since then St. Paul considers the neglect of our own as a crime of which the religious man is incapable, what would he have said of him who, under pretext of religion, brings upon them infamy and death? In short, the little regard paid by this tribunal to the love by which kindred persons are united is clearly manifested by

* S. Matth. cap. xv. v. 5.

† Ad Timoth. I. cap. v. v. 8. “*Si quis autem suorum, et maxime domesticorum curam non habet, fidem negavit, et est infideli deterior.*”

the Instructions of the Portuguese Inquisition. By them no notice is taken of a culprit secreting an accomplice who is his relation in a transversal degree, or even a stranger, but he is forbidden to secrete his parents, his children, or his wife! *

Finally, the death of the accused is not a barrier against the fury of the Inquisition, or the grave an asylum against its inexorable persecutions. The memory of him who died upright in the opinions of all is pursued with malignity, even a century after he had ceased to exist, if after that lapse of time any one seeks to avenge himself, or takes an interest in his defamation. His bones are dug out of his grave and burnt, unless already mouldered into dust; whilst his property is wrested from its present possessors, whatever be the title

* Regimento do Santo Officio de Portugal, lib. iii. tit. iv. n. 1. " Quando o reo que confesson as culpas de heresia por que foy prezo estiver diminuto em sua confissão e a diminuição for em complicitade que esteja legitimamente provada com algum seu ascendente ou descendente, ou com marido ou molher, não lhe será a confissão recebida; e por quanto se deve ter per simulada será relaxado a curia secular; e si a complicitade for de pessoa parenta sua no primeiro grao transversal ficará em arbitrio dos inquisidores haberse de receber ou não ser recebida sua confissão."

by which they have acquired it, becoming subject to confiscation from the moment the deceased committed a delinquency. In this particular, we Spaniards may complain of the Inquisition as the Romans did of Domitian, and even with greater reason; since, by the confiscation of inheritances under the most frivolous pretexts, no security exists in the testaments of the deceased, neither have the heirs or legatees been allowed to enjoy their privileges, nor have the slaves who had been manumitted by the testator known whether they were really free or not.* In former times at least these spoliation laws only lasted as long as the life of the tyrant, which fortunately was always short, and the reputation of the deceased was unhurt; but under this tribunal the possession of property does not enjoy the rights of prescription till after forty years, but the memory of its original possessor never.†

From these premises it must result that the exhibition of crimes made to the Inquisition is very different from that usually made in the tribunals of the nations of antiquity, and extremely opposed to the duties of

* Plin. Paneg. cap. xxxiv. Suetonius Domitian. cap. xlii.

† Eymeric, Director Inquisit. part iii. quest. lxvii.

society. The heinousness of this practice will still appear in stronger colours, if it is only compared with that observed by the Church in this particular during its happier times. Our own Council of Elvira ordered that communion should be refused to informers till the end of their lives, if any one had been put to death or banished in consequence of their impeachments.* Above all, the cruelty with which this tribunal has promoted denunciations, and the facility with which these have been effected, is evidently opposed to what our Saviour ordains through St. Matthew, viz. that every practicable means are to be employed in order to induce him who has erred to enter into himself before he is cited before a tribunal.† Even among the Jews, whose legislation was so heavy a yoke that they were scarcely able to bear its galling weight, a propensity to denunciation was held as extremely odious, and as

* Canon. lxxiii.

† S. Matth. cap. xviii. v. 15. "*Si autem peccaverit in te frater tuus, vade, et corripe eum inter te, et ipsum solum: si te audierit lucratus eris fratrem tuum.*"—v. 16. "*Si autem te non audierit, adhibe tecum adhuc unum, vel duos, ut in ore duorum vel trium testium stet omne verbum.*"—v. 17. "*Quod si non audierit eos, dic ecclesie: si autem ecclesiam non audierit, sit tibi sicut ethnicus et publicanus.*"

such condemned in the Leviticus.* Trajan, the Spaniard, of whose moderation I spoke in treating of the process of inquisition or search, is not less deserving of praise with regard to denunciations. At the same time that he preserved to the people the liberty of accusing, combining with it the difficulty

* Levit. cap. xix. v. 16. "*Non eris criminator, nec surro in populo. Non stabis contra sanguinem proximi tui. Ego Dominus.*"—v. 17. "*Non oderis fratrem tuum in corde tuo, sed publice argue eum, ne habeas super illo peccatum.*"—v. 18. "*Non quæras ultionem, nec memor eris injuriæ civium tuorum. Diliges proximum tuum sicut te ipsum. Ego Dominus.*" These are the words of the Vulgate, which partly differs from the Hebrew original, to which the Septuagint and the other ancient versions are more conformable. The original, in verse 16, is as follows: לֹא תֵלֵךְ רֵכִיל Thou shalt not go about the place as a trader, (that is carrying tales from one place to another.) Thou shalt not incline to accuse any one for injury that may deserve capital punishment. I the Lord forbid it to thee.—v. 17. Far from conducting thyself towards thy neighbour in so odious a manner, הוֹכַח תְּכַיֵּחַ remonstrate with him, endeavouring to make him feel the force of reason, for otherwise thou wilt be guilty of sin.—v. 18. לֹא תִשָּׁקַח Thou shalt not go about like him who seeks revenge, prying out the conduct of thy fellow citizens, but rather thou shalt love him as thyself. I the Lord command this to thee. Rabbi Ben-Maimon also understands this passage in the same sense of secret denunciation, in his book entitled יֵר חֻקָּה treatise חֻלְבוֹת דְּמוּת cap. vii. n. 1, 2, & 3.

of calumniation, he chastised informers with extraordinary severity. By the first being condemned to the block, and the second to the gallows, the Roman people rejoiced to see avenged the cruel alarms by which they were formerly agitated, and that they had no longer any thing to fear but the law.*

The manner in which the Inquisition commences its principal prosecutions being such as we have just described, the apologists of this institution argue in its defence that, as heresy is a privileged crime and stands on a parallel with high treason, it ought not to be subject to the same regulations as other offences. They further add, that it is of urgent necessity to keep the denunciator secret, for otherwise his person and reputation would be endangered; and in that case no one would step forward to denounce, whereby a crime of the deepest dye would remain without condign punishment. Thus is it that the most certain and fixed maxims of criminal legislation are confounded, and the rights of the citizen trampled to the ground, under the pretext of zeal for the glory of God and the good of society! Those who argue in this manner do not advert, that this is the

* Pliny, Paneg. cap. xxxiv et xxxvi.

very same objection Tiberius alleged to the senate when Rome was more than ever infested with informers, and the senate required of him to deprive them of the fourth part of the property confiscated through their means. The Emperor, filled with rage on hearing such a proposal, replied, that the empire would be infallibly lost if any innovation was allowed with regard to denunciations; for that in such a case it would be better to throw down the laws altogether, since they would be of no avail as long as this stimulus to watch over them was wanting.

In relating this passage, filled with astonishment Tacitus thus exclaims: "In this manner were men encouraged with rewards, who in fact are the ruin of the state, and whose wickedness is such that no infliction is sufficient to punish it."* When the tyrants of Rome, according to the same Tacitus, declared all transgression against the law to be a crime of high treason,—when, according to Suetonius, they punished as such any irreverence committed against their statues,—in a word, when, according to Pliny, they pronounced every man guilty of high treason

* Tacitus, *Annal.* lib. iv. cap. xxx.

whom they wished to ruin,—then secret informers became necessary; for without them, not the majesty of the empire, but the lives of those who had usurped it, would have been endangered. Thus did it principally happen during the time of the Dictator Scylla, and the Emperors Augustus, Nero, and Caligula, when secret impeachments were extremely frequent: but under the government of other more humane princes, who had the generosity to share with the people the rights of which they had been stripped, no other than accusations undertaken and carried on with good faith met with encouragement; denunciation was exploded, and informers exterminated. And, since the Inquisition has adopted this practice, after the pattern of tyrants, can it thereby contribute to the safety of the state, and maintain the dignity of religion? *

* Tacitus, *Annal.* lib. iii. cap. xxxviii.—Suetonius, *Neron.* cap. lii.—Pliny, *Paneg.* cap. xlii.—Don Blas Ostolaza, in his pamphlet entitled “ Letter on the Establishment of the Tribunal of the Inquisition,” addressing himself to his reader, by whom he feigns to have been consulted, uses the following words: “ But it is extremely odious, you tell me, to force every citizen to denounce what may be contrary to religion. Do you perchance believe that this is an invention of the inquisitors? Is it

SUMMARY IMPEACHMENT.—When the inquisitors are of opinion that the information lodged furnishes sufficient grounds to proceed against the person impeached, they prepare a summary statement of the crime, in order by virtue of the same to effect the arrest. For this purpose the informer and the witnesses are heard; and, on their ratifying their first report in the presence of two or

not true that the Apostle enjoined the Romans to guard against those who stirred up dissensions in order to pervert the faith handed down to us?" The passage quoted by this writer is the following: "*Rogo autem vos, fratres, ut observetis eos qui dissensiones et offendicula præter doctrinam quam vos didicistis faciunt, et declinate ab illis.* Ad Rom. cap. xvi. v. 17.—But, let me ask, does the Apostle here say that the faithful ought, or not, to denounce heretics? Is it the same to exhort them to be on their guard respecting their doctrine as to oblige them to lodge secret informations against them? "Well-cemented republics," he adds, "command every citizen to denounce instigators of novelties, traitors to their country, and disturbers of the public tranquillity. And does not the national belief deserve equal consideration?"—As this last objection exactly coincides with that of Tiberius, for I suppose it must allude to an approval of secret informations, the main point here in dispute, the same answer may also be applied to it; yet we ought besides particularly to bear in mind how enormous that preponderance is which despotism attains by the union of superstition, to what it becomes when accompanied by false policy alone.

more respectable persons, silence is imposed upon them by the same oath under which their declaration was made. If the person about to be arrested has resided in various towns, it is customary to send to the tribunals of their district letters of scrutiny, (called *de Recorreccion*,) in order to discover whether any charge can be therein found to add to the process.*

In the crime of heresy, the propositions of which information has been lodged then pass to the qualificators or skilful men, who therein give their opinions and motives; and although at first sight this would appear the safest way for the judges to proceed rightly, in general it only serves to add to their confusion, and to endanger still more the application of justice. This is because each qualifier or censor gives his opinion under a separate form; and the judges, especially in Spain where they are usually jurists, being unable to appreciate the reasons on which this is founded, sometimes decide in favour of the report that has most votes, and at others adhere to the judgment of the

* D. Juan Antonio Rodríguez, *Apuntes sobre la Inquisicion*. MS. the original of which I possess.—Regimento do Santo Officio de Portugal, lib. i. tit. iii. n. 92.

qualificator held in the highest repute, or to the opinion of another who condemns the propositions; believing him, for this reason, more favourable to the faith. In all probability, if the trials which have been carried on in the Inquisition could only be examined, very few of them would be exempt from the same censure that was passed on the celebrated cause of the Proto-notary of Aragon, Gerónimo de Villanueva, about the year 1647, when the appeal was carried to Rome. On this occasion the Pope wrote to the Inquisitor General himself, stating "that so much discordancy was visible not only in the opinions of the qualificators and counsellors, but also in the votes of the judges, that he was really astonished."* But, as every thing in this tribunal is enveloped in the most impenetrable darkness, it has followed that affairs which, if they had been carried on in a public manner, by their irregularity would have brought on the inquisitors the odium of the

* This fact is found at more length in the manuscript opinion of the proctors of the royal council, Don Pedro Rodríguez de Campománes and Don José Mofino, respecting the prohibition of books, it being the same which gave rise to the royal order published on this subject in 1768.

people, rather than excited their respect and esteem; since the interminable duration which accompanied the affairs was rather attributed to their complication and importance than the real effect of the ignorance with which they were managed.

ARREST.—The summary impeachment being concluded, it is laid before the Supreme Council, and its approbation being obtained, the arrest is carried into execution.* This is given in charge to the high bailiff, who executes his commission by carrying with him a competent number of ministers, taking the necessary precautions to surprise the culprit, which is generally done at night. The law prescribes that the receiver and notary of sequestrations should also be present at the arrest, for in this tribunal confiscation forms an essential part of the process.† The party then sets out, and dread and consternation seize on the culprit and his family. The thunderbolt launched from the black and

* Notwithstanding the Compilation of Instructions, n. 5, regulates that recurrence shall be had to the council only in cases of a difference of opinion and causes of great entity, it is nevertheless customary to consult it respecting all decrees of arrest.

† *Compilacion de Instrucciones*, n. 6.

angry cloud strikes not with such alarm as the sound of "DELIVER YOURSELF UP A PRISONER TO THE INQUISITION!" (*Dése v. preso por la Inquisicion.*) Astonished and trembling, the unwary citizen hears the dismal voice, a thousand different affections at once seize upon his panic-struck frame—he remains perplexed and motionless. His life in danger, his deserted wife and orphan children, eternal infamy, the only patrimony that now awaits his bereft family, are all ideas which rush upon his mind—he is at once agitated by an agony of dilemma and despair. The burning tear scarcely glistens on his livid cheek, the accents of woe die on his lips, and amidst the alarm and desolation of his family, and the confusion and pity of his neighbours, he is borne away to dungeons, whose damp and bare walls can alone witness the anguish of his mind.

It is foreign to my purpose to examine in this place whether it was through chance or design that edifices of such ancient and gloomy structure that their sight alone caused terror, were originally fixed upon to be the tribunals and prisons of the Inquisition. The palace of the Counts of Barcelona in the most elevated part of the city, where the castle

formerly stood; the Aljaleria, or ancient palace of the Moorish Kings, flanked with towers and situated without the walls of Zaragoza; and the old Roman fortress which stood at the head of the bridge over the Guadalquivir at Seville, were the first terrific haunts appropriated to the use of the Inquisition. In one of these edifices, whose black and furrowed walls announce the melancholy gloom that reigns within; massive piles, which have long withstood the injuries of time, and for ages witnessed the rising and setting of the sun without receiving comfort from its beams; sable and rugged structures, on which whole generations have looked with terror and dismay—in one of these edifices in short, which, immoveable amidst the lapse time, and whence when the prisoner comes forth he can reveal nothing, present the tremendous image of eternity, was usually confined the father of a family, perhaps his amiable wife or tender daughter, the exemplary priest, or peaceful scholar; and in the mean time his house was bathed in tears and filled with desolation. Venerable matrons and timid damsels have been hurried from their homes, and, ignorant of the cause of their misfortune, have awakened from the frenzy of the brain, and found themselves

here alone and helpless in a solitary cell. Here the manly youth, torn from his bewailing kindred, and often wrested from ties still more endearing, pines amidst damp seclusion and chill despair, and vainly invokes the names of objects which so lately thrilled him with pleasure. The dripping vaults re-echo the sighs of the aged father, no longer encircled by the fond endearments of a numerous progeny; all, in short, are condemned to drag existence amidst a death-like silence, and, as it were, immured from the sight of their weeping relatives.

Such are the afflicted inhabitants of the awful cells of the Inquisition, awaiting the tardy but inexorable sentence that is to decide their fate. Haply some may escape; again they may behold the light of day; perhaps innocence may triumph over rancour, malice, and fanaticism; but where are they to look for redress for what they have suffered, when even the privilege of complaining is denied them? What a train of melancholy ideas rush to the imagination of him who contemplates the secrets of the Inquisition, and fathoms the malice of which it is capable! What sensible man, to speak without disguise, and it is certainly time now

to be candid, can fail to impute all kinds of disorders to an institution of this nature, notwithstanding its artifices to hide them from the eye of the public and the research of the historian?

Under the veil of secrecy it is as easy to hide all kinds of crimes in a tribunal, as it is robberies and assassinations under the cloak of night; nevertheless the founders of the Inquisition have always considered secrecy as one of the chief attributes of its establishment. It is not merely on the culprits who have the good fortune to escape out of its claws alive that silence under the heaviest penalties is imposed; the inquisitors also, as well as their dependants, in the most frivolous matters are equally held to privacy, because every thing is considered of the greatest interest.* The officers of the highest hierarchy communicate nothing of what they are engaged in to their subalterns nor to the diocesan bishop, unless it is those matters in the execution of which the latter has to interfere, nor are any of them allowed to speak of the same without the precincts of the tribunal.† The denunciator knows nothing of the witnesses,

* Regimento do Santo Officio, lib. i. tit. i. n. 7.

† Ibid. tit. iii. n. 10.

nor the latter of the former, nor indeed one of another; and if perchance they should know any thing of each other, among themselves as well as elsewhere they are bound to observe the most profound silence.* The culprits brought forth in an Auto have no knowledge of their companions till they see them in the procession or on the platform; and those who remain in the prisons are ignorant of the destiny that awaits the former.† In short, that no trace of what is passing within the walls of the tribunal may appear in public, the commissaries and other persons to whom the court addresses official letters are bound to return them with their answers written in the margin, and even the bailiff delivers back his order of arrest.‡

When the accused has evaded persecution by a timely flight, he is publicly cited and declared excommunicated in case he does not appear within the time assigned. If he should not surrender himself up within the term of a year he is a condemned as a con-

* This practice is consequent to the oath of secrecy which all are bound to take when their declarations are first set down.

† Ibid. lib. ii. tit. xxii. n. 17.

‡ Ibid. lib. i. tit. iii. n. 35, & tit. xiii. n. 11.

tumacious heretic, and in the mean time his suit is carried on.* This abuse of judicial power, extending to the condemnation of the absent, is not indeed peculiar to the Inquisition, but the grounded dread of appearing before this tribunal more than before any other most assuredly is. It was in the decline of the Roman empire that the custom was introduced, not only of punishing as a rebel the person who should not appear to the citation of the judge, (the most that ought to be done in a case of this kind) but also of condemning him as guilty of the offence that had given rise to his prosecution. This measure was certainly as contrary to equity as that of the Hebrews and ancient Romans was just and reasonable, which forbade the condemnation of the absent for the crime imputed to him, without his being first heard in his own defence; but it was not easy for the Inquisition, uniformly propending to the worst, to rise above the vices of the age that gave it birth; and for this reason it followed the torrent of general corruption. Thus when the devoted victim, alarmed at the dangers to which his innocence was exposed, has fled in search of that safety he could not hope to

* Instrucciones de Sevilla de 1484, § 19.

find in the sanctuary of justice, the inquisitors, stigmatizing his prudence with the name of rebellion, consider him as the perpetrator of the crime of which he is accused; and, pronouncing against him the same sentence prescribed for the real culprit, avenge themselves on his effigy, since they are unable to imbrue their hands in the blood of his person.*

I have before asserted that this mode of proceeding against the absentee was not peculiar to the Inquisition. Indeed it is not in the manner just described; nevertheless its laws authorize the inquisitors not only to condemn him before the expiration of the year, by virtue of the reasons alleged by the proctor, but also to condemn him without the formality of process, a thing never heard of in any other tribunal.† The same punish-

* De Hæret. cap. Ut Inquisit. § Prohibemus, in 6.

† Instrucciones de Sevilla de 1484, § 19. In this article three modes of proceeding against the absent are ordained, the one according to the chap. "Cum contumacia De Hæret." in 6, which is the one already explained; the other is by condemning him from the moment the crime is proved, without any other delay; and the third, according to the original words, is as follows: "That if in the scrutinies performed any presumption of heresy results against the absentee, (notwithstanding the crime does not appear completely proved,) the inquisitors may issue and

ment as that which awaits the absent refusing to appear is also decreed by the Inquisition against any one escaping from its cruel endurance, as well as against the wretched victim who, either frantic at the miseries into which he is plunged, or worn out by delay and despair, finds means to put an end to his own existence. Both are treated as if they had been convicted of being apostates to the faith, and the whole penalties of the law inflicted upon them.*

In the Inquisition the prisoners are usually confined in separate cells, in order to avoid among other inconveniences that of their mutually concerting to scale the walls. However, in order to prevent those fatal occurrences to which solitary confinement is so often subject, and have therein been so

post up their edict against the said suspected absentee, commanding him within a certain time to appear in his own defence and purge away his said error in a canonical manner; at the same time enjoining, that in case he does not appear in his own defence and purge away his crime, they will hold him as a convicted person." It also adds, "And notwithstanding this form of process is somewhat rigorous, it is nevertheless founded in right." Here however we have no other process or proof, unless it is that one who is suspected of heresy refuses to appear.

* Eymeric, Director. Inquisit. part iii. quest. lxiii.

frequent, no other furniture is allowed in the cell of the prisoner than a wooden bedstead, clamped down or built in masonry; a table, one chair, and sometimes none. Formerly no books were permitted for pastime, not even the breviary to ecclesiastics for the compliance of their duties. The object of the Inquisition in these privations was that, by the spirit of the prisoner being in continual struggle with the uncertainty of his fate, he might become weary, and confess the crime for which he had been confined. With regard to victuals, the prisoners do not fare so badly, whether they are rich or poor, as the confiscated property of the first affords abundant means.

INTERLOCUTORY INVESTIGATION.—As soon as the person of the accused is secured his declaration is taken down, and this is called investigation. It is the common practice of these courts first to question him respecting the perpetrator of the offence, but in general terms, in order to avoid all anticipation and surprise. Respecting his crime he is interrogated in a special manner, and the whole is preceded by an oath to speak the truth. With a similar view it is forbidden to allege against him any of the charges resulting from

the process already formed, leaving him to discover all spontaneously. This formality, if we except the oath which, in such cases, amounts to a gross abuse, contributes to shorten the causes of those culprits who, by at once confessing, submit to the punishment deserved; and also, in cases of denial, by comparing the declaration of the prisoner with the impeachment of the informer and testimony of the witnesses, this measure tends to promote the discovery of the truth and the sincerity or duplicity of the parties. I again repeat that it is an abuse of judicial power to oblige a culprit, by means of an oath, to acknowledge a crime for which he is perhaps to suffer the capital punishment awarded by the law. This proposition which, a hundred years ago, would have been condemned as heretical and subversive of public order, is now generally received as a political dogma. And, in truth, if we establish as a firm principle that laws are not instituted for heroes, who does not see that it argues a great inconsistency to expect the culprit will avow himself guilty when his life rests on his denial? The custom therefore of tendering an oath to extort the avowal of the party concerned in criminal matters has been a

measure as anti-religious as it was anti-political; and its result has been no other than to depreciate and debilitate a bond so respectable and efficacious in society, and at last to bring it into almost total disrepute. Let us now proceed to see the practice of the Inquisition in this particular.

The culprit being carried before the tribunal, the judges, clothed in all the parade of terror suitable to their character, tender to him the oath whereby he swears to speak the truth to all that may be asked of him.* This practice, considering the nature of the interrogatory to which he is subjected in this tribunal, will be found to possess conse-

* *Compilacion de Instrucciones*, n. 13 & 20. The fierce aspect of the judges is enjoined by Massini, *Prattica della Santa Inquisizione*, part x. avvert. cliv. under the following words: "Il giudice mentra esamina i rei dee mostrarsi nel volto piuttosto rigido e terribile che piacevole."—Notwithstanding it is now nearly three centuries since the Inquisition among us has been entrusted to the secular clergy, as the institution is under such great obligations to the Dominicans who were its judges and legislators in the time of its barbarism, and as the latter, both in Spain and Italy, have nevertheless partly sat as judges and have afterwards obtained a seat in the Council of the Supreme, I have considered it but just that this circumstance, as well as their difference of dress, should appear in the plates representing the tribunal. Vide Plate II.

quences infinitely greater than in any other. The culprit is obliged to declare his whole genealogy and descent, notwithstanding the court through other channels carries on the same scrutiny; and is obligated to make known whether any of his ancestors, in a direct or transversal line, or his brothers, wife, children, or indeed himself, have at any time previous been arraigned before the tribunal, and penanced by it.* One of the objects of the Inquisition in this preliminary inquiry is to get at a clue that may tend to implicate the accused in a stronger manner; for, as already observed, there is no proof however small or remote that is not grasped at, provided only it serves to aggravate his criminality. Another motive is to obtain possession of the property he may have inherited, by declaring the right of succession as null and void, to the evident destruction of perhaps many families.

In conformity to this the inquisitors compel all Jewish apostates, as well as all other offenders subject to sequestration, to declare on oath the names of all their relatives; and besides, whether they at any time testated,

* *Compilacion de Instrucciones*, n. 14.—*Orden de pro- cesar*, fol. 9.

and before what notary.* According to the same rule, and under the same oath, the culprit is further bound to make known every item of property he possesses, so that nothing escapes confiscation. This is rendered the more complete by the pardon of his life being granted to him the first time he falls into the fangs of the Inquisition; but of which he is pronounced unworthy if he should in the smallest degree be wanting to the truth. And, although it is true that the relapsed is also under the obligation of exhibiting his property, notwithstanding he is divested of every hope of pardon, it is nevertheless clear that, as the second spoliation follows on the heels of the former one, the gains are generally much less.† The obligation imposed by the tribunal on the culprit who has before been condemned to do penance, and by which he is bound to declare whether this really was the case, is

* Orden de Procesar, fol. 9, note ms. "In cases of converted practisers of Judaism, and in others from which sequestration of property may result, it is proper that, besides the names of the relatives, it should be stated whether the culprit has made a will, and before whom, as this may serve a great number of purposes."

† Vide Relation de l'Inquisition de Goa, chap. xix.

certainly extremely singular; as, by this circumstance, he is proved to be a relapse, whence that mercy is denied to him which otherwise would have been granted if the fact had not been known. By this means a culprit may be carried to execution for the crime of false repentance, (*ficta pœnitentia*); of the existence of which offence the smallest traces would not have been found in the Inquisition, if the prisoner had not been forced to declare the circumstance by virtue of the oath imposed upon him, contrary to all reason, and according to an abuse of power which makes humanity shudder.

In like manner, the court requires of the prisoner an exact account of his whole life; and, in case the witnesses incidentally depose respecting any other crime foreign to its competency, this is nevertheless produced by the proctor in the accusation by way of presumptive evidence, and consequently the culprit is forced to confess it, or else he runs the risk of his denial and perjury producing an unfavourable influence on the issue of his trial.* He is further enjoined to avow what his intention was in proffering the proposition for which he has been arrested, or the sense

* Compilacion de Instrucciones, n. 18.

he attached to it in his own mind: in a word, he is compelled to furnish his judges with proofs whereby to condemn him, and such as he alone could disclose.* Whilst canonists and theologians have uniformly agreed that God alone could have commanded the exhibition of offences to the priest in the sacrament of penance, from its great repugnance to the self-love of man, we here see that the popes, by pressing still harder on the culprit, have introduced it in a great measure into the Inquisition, with this aggravating difference, that sacramental confession is from man to man, and ends in absolution or secret suspension therefrom; whereas in this tribunal the confession terminates in a reconciliation more or less public, always accompanied with infamy, or in a condemnation to die on the scaffold. Since therefore the oath is profaned by compelling the culprit to depose against himself in criminal matters, in consequence of the imminent

* This is to such a degree true, that when the oath does not suffice to compel the culprit to declare his intention, or rather when the culprit does not make his declaration according to the pleasure of the inquisitors, the laws of the tribunal command that the torture shall be administered to him. Orden de Procesar, fol. 27.

danger of his being wanting to the truth, how much greater is not this profanation in the Inquisition, where the arduous position of the prisoner is infinitely greater and more dangerous than in any other tribunal whatever?

Another remarkable peculiarity in this court is that the judges, when they call the prisoner to give in his declaration, hide from him the offence respecting which he is to make confession. He is, in the first place, ordered to state for what reason he has been brought to the Inquisition; if he dissembles, or is really ignorant of the motive, he is sent back to his prison; and this ceremony is performed as often as three times, with some interval between each.* In all of them the judges do not cease exhorting him, after a renewal of the oath has been performed, to manifest for the security of his conscience every thing he may have said or done against the faith, against the free exercise of the tribunal, or the honour of its ministers.†

* Compilacion de Instrucciones, n. 15.

† Orden de Procesar, fol. 14. "He is admonished to speak the truth if he has done or said, or been seen to do or say, any thing that may be injurious to the faith or contrary

The idea all this presents is, that the court wishes the prisoner to confess under a hope of being treated with greater kindness; but without dreading the charge of temerity, and judging only from the strict nature of the process, I may venture to attribute to such a practice the highest refinement of the inquisitorial test. At least it will not be denied that the prisoner is compelled to scrutinize every act and period of his life, till at last he hits on the cause of his impeachment.

Scarcely recovered from the surprise caused by his arrest, and appalled by the contrast his imagination forms of the many and secret steps previously taken, compared with the state of security in which he lately lived, from that moment the prisoner begins to despair, and, hopeless and dismayed, he already beholds the torment that awaits him. Bewildered, as in the mazes of a labyrinth, wherever he turns his eyes some fresh object increases his pain and adds to his anguish. Under the undoubted supposition that, in this abode of wretchedness, the appearances of the most officious charity conceal acts of insidious cruelty, he beholds no one who is to the free exercise of the Holy Office." *MS. note, "On contrary to the honour of its ministers."*

not an enemy, and hears nothing that is not directed to his ruin. Secluded from every species of intercourse, if his keeper says any thing unconnected with the service of his person, it is to assure him that it will be much in his favour to confess according to the pleasure of the inquisitors.* If an attorney is allowed him, it is after he has been sworn to use every exertion to induce his client to confess, and that he will abandon his defence from the moment he discovers his guilt. Thus is it that the prisoner has more to fear from his own advocate than from the proctor of his enemies.† If, seeking that consolation in God which he cannot find in man, he should solicit the sacrament

* This is expressly forbidden by the ordinances of the Inquisition of Portugal, nevertheless constant practice has been opposed to this prohibition, as is proved by what occurred to Dellon in the Inquisition of Goa, (*Relation de la dite Inquisition*, chap. iv.) and Don Hipolito Jose da Costa in that of Lisbon, (*Narrativa da Perseguição*, tom. i.).

† *Compilacion de Instrucciones*, n. 23. "The attorney is bound as a Christian to admonish him to confess the truth, and, if he is guilty, to sue for penance. *Orden de Procesar*, fol. 16. Again, "The advocate swears that, if the culprit has not justice on his side, he will undeceive him and keep secrecy."

of penance, either a confessor is refused him, or, if he is allowed one, it is not for the purposes of absolution, since of this he is deemed unworthy as long as he persists in not exhibiting to the court the crime of which he is accused; but that he may co-operate with the rest in promoting his condemnation by exhortations of a similar nature, and by revealing what the prisoner may have confided to him either before or after confession.* Finally, the inquisitors,

* *Compilacion de Instrucciones*, n. 71. "If he ask for a confessor, a qualified and confidential person shall be given him, who shall previously make oath that he will keep secrecy; and, if the penitent in his confession should reveal any thing to him to be conveyed out of the prison, that he will not accept the charge nor be the bearer of any such communication. And if he should confide the same to him out of the time of confession, that he will also reveal it to the inquisitors, who shall advise and instruct the said confessor how he is to act towards the penitent, signifying to him that, since he is imprisoned for being a heretic, if he does not manifest his crime in a judicial manner, being guilty, he cannot be absolved. And, with regard to the rest, it is left to the conscience of the confessor, who is to be learned," &c. The good qualities which the tribunal requires in the confessor are understood by merely saying that he must possess its confidence. *Massini, Pratica della S. Inquisizione*, part x. avvert. lxi. *Regimento do S. Officio de Portugal*, lib. i. tit. iii. n. 29.

sometimes with a complacent aspect, and at others in a demure and rigid tone, emulously urge him during the whole of the trial to acknowledge having been a defaulter in the manner laid to his charge. They affect to feel a paternal solicitude for him, as if a father, even when he were as zealous for the public good as a Junius Brutus or a Manlius Torquatus, could seek the condemnation of his own son when his crime was not legally established; and, by one of those strange contradictions so common to the Inquisition, in order to prove his delinquency, they endeavour to avail themselves of the respect for God and his saints which they suppose in him at the same time that they treat him as a mortal enemy to the Divinity. No people take the name of God so much into their mouths as the Jews in their engagements and the Gipsies in their contracts.*

* The Order of Process, fol. 10, commands the inquisitors to urge the culprit to the confession of his crime under the following form: "In reverence of God our Lord, and of his glorious and blessed mother our Lady the Virgin Mary, admonishing him to examine his memory, and to speak the entire truth of all he should feel himself guilty or may know of in other persons being equally so, (we see the inquisitors do not forget the

Who then follows up the defence of the prisoner when he has been abandoned by his attorney? Is he to be judged as one convicted because his advocate has forsaken him? I find no regulations laid down for this peculiar case, and in reality they would have been of no service, since in fact the granting to the prisoner the means of defence is merely nominal. What the laws of the Inquisition prescribe respecting the confessor is not less monstrous. Theologians teach, that the seducing confessor commits a sacrilege, whether his attempts have been immediately before or after the performance of his duty, because so vile a proceeding tends to render the sacrament odious. The same theologians would do well to inform the world whether that part of the practice and conduct of the Inquisition we have just described is regular and proper. Did any confessor ever prostitute his ministry so as to become the instrument of an intrigue so

scrutinies it is their duty to perform!) for by so doing he will unburden his conscience as a Catholic Christian and save his soul, and his cause will be dispatched with all possible brevity and mercy." The same is likewise ordained, in almost the same words, by the *Regimento do S. Officio de Portugal*, lib. ii, tit. iv. n. 9.

abominably wicked as the above? This circumstance in former times, when inquisitorial zeal was in its zenith, would not have been a matter of astonishment, since the very persons who drew up the above Regulation were themselves confessors; but it is unaccountable that such a practice should have survived the barbarous age in which it was invented. With regard to the present time, and the influence which of late years this tribunal has held over the secrecy of confession, I shall quote the testimony of one who had powerful reasons to be well-acquainted with it. This is Don Juan Antonio Rodrigalvarez, late canon of the royal church of St. Isidore of Madrid, and afterwards titular archdeacon of the cathedral of Cuença. This worthy person, well known in Castile not less for his firmness of character and austerity of life than his science and ardent desire of reform in ecclesiastical discipline, and who lately died in the town of Cañete, flying from the incursions of the French, was also fundamentally acquainted with the actual state of the Inquisition, by whom he had been often consulted as an experienced confessor. In his memorandums on this subject addressed to a friend in this city,

speaking of denunciation he makes use of the following words: "The infraction of every right and principle in this tribunal still goes further; for though secrecy is the very soul of all its proceedings, that of sacramental confession is nevertheless not respected by it, in consequence of the declarations it frequently requires of confessors relating to their penitents."

Let it not however be objected to me, that this confession imposed by the Inquisition on its prisoners has a model among the Scriptures in the case of Joshua against Achan, when the latter had secreted a rich garment, two hundred shekels of silver, and a wedge of gold, out of the booty of the city of Ai, in direct contravention to the commands of God on this occasion. Joshua exhorted him to give glory to God and openly confess the truth, and then cast him into the flames by virtue of his avowal, together with all his booty and property.* This is one of those extraordinary events which abound in the annals of the Hebrew nation, and, of course, cannot serve as an example for others. The same also may be said of all other arguments taken from their civil as

* Joshua, chap. viii. v. 19.

well as criminal legislation, since it cannot be denied that both have now ceased; and it will further be readily acknowledged that they were instituted for a people of a character little analogous to the Spanish, and that those times were very different to our own. Besides, can a nation that, during its infancy in Memphis under Pharoah, was no other than a horde of slaves,—that in Jerusalem, under David and Solomon its two most famous kings, was held in abject subjection,—and that, since its dispersion, has lost all reasonable hopes of liberty, serve as a model to a people holding in its own hands the means of freedom? If this were the case, of what avail would be the labours of the National Congress to give us a constitution, when it would suffice to enact the political regulations of the Pentateuch and command their observance? In the civil code, among other things, we should then see the power of the father extend to the sale of his children; in the criminal one we should behold the talion-law revived with the mutilation of members; and in the usages of war the absolute power of the conqueror over his fallen foe would be again introduced. It is high time for those who appeal to the Old Testa-

ment for authorities in support of the rigour of the Inquisition to be undeceived. Any liberal law found among the Hebrews may safely be adopted as a model, since we are now in search of a system of which liberality is to be the basis; but we have nothing to do with their bloody laws, when we seek to loosen rather than to wind up the springs of abject prejudice and degradation, and are on the eve of breaking asunder the trammels of debasement and slavery.

Finally, the judge, before he closes the summary proceeding, requires of the prisoner to declare whether he is the author of the offence alleged, a process usually called taking down his declaration, whether he confesses ingenuously or not, or whether he persists in absolute silence. Whenever the latter takes place, all the penalty of the law is inflicted upon him the same as if he had avowed his offence, whereas he ought only to be punished for his obstinacy. This custom, although extremely unjust, has been generally observed in our other courts, and the Inquisition has followed their example, but with a considerable excess of rigour, according to what we have already shown, as well by an anticipation of time, as by

the strenuous manner in which it wrests an avowal from the prisoner.

PLENARY JUDGMENT.—The declaration, or as it may be called the confession of the culprit, which ends the whole summary judgment and corresponds to a cross-examination in civil cases, is the link that unites it with the plenary judgment, and also forms the whole basis of the process. When sufficient evidence appears from the first stage of the proceeding to act against the accused, and detain his person, the cause is instituted in the second with all due formality. To this effect, a proctor is named to act in behalf of the public, as well as an advocate to plead for the prisoner. The proofs are then substantiated, and the exceptions examined with the greatest scrupulosity. In short, all the apparent importance is given to the matter which it ought in reality to possess, when the punishment or impunity of a delinquent is the object in view, and the well-being or misfortune of the innocent is to be the result. It is indeed true, that the Inquisition has adopted the form of a plenary judgment; but, as the court is already prejudiced against the prisoner from the time of his arrest, this has been adopted merely for the purpose of

condemning him a second time, and not for the protection of his innocence. With regard to the utility that might result to him from this revision of his case, the latter proceeding is in fact as summary as the first; because in it there is no obligation to adhere to any determined forms, but merely to observe what natural right prescribes, that is in the terms understood by the inquisitors, since this alone gives legality to the sentence.* In a word, all anomaly even when in contravention to justice, as long as it possesses the slightest colouring of reason, is authorised by this tribunal, and even sanctified under a plea of what is called its being done in behalf of the faith. Lastly, that nothing may be wanting to complete this disorganization, each provincial Inquisition has its own peculiar usages and regulations, nor would it be possible in this place exactly to describe their respective modes of process.†

The court however proceeds in a more

* Páramo, De Ordin. Judiciar. S. Offic. quest. iv. n. 43.

† Peña, Ad Director. Inquisit. com. xcvi. "*Statuendum est,*" he says, "*non esse privatas Inquisitionum quarumlibet sanctiones inspiciendas, quibus sæpe ex causa id cavetur, quod jure communi, et communibus doctorum dictis videtur adversum.*"

solemn and formal, manner in the second judgment, which improperly, and for the mere purpose of misleading the unwary, has been called plenary ; for it only differs from the first, inasmuch as by this the prisoner is sentenced to be detained without being allowed to plead, by virtue only of the declaration of the accuser and witnesses ; whereas in the other, although he is allowed to plead, the principal exceptions he might allege in his own favour are either withdrawn or invalidated when perhaps they might suffice to liberate him from suffering. This unjust mode of proceeding is founded on that axiom of right, or rather that fatal paradox invented by flattery and sanctioned by tyranny, viz. that slight proofs are sufficient in crimes of great atrocity, and that in taking cognizance thereof the judge may exceed the common limits of the law. The Inquisition therefore availing itself of this rule, and besides mistaking the sin or offence committed against God for the crime or injury done to society, not only punishes the heretical dogmatist, but also avenges itself on any one who may have slipped into an unguarded expression in the least opposed to any article of the faith. Thus a fault easily

committed, or, if not, easily supposed so, and arising only out of indiscretion, is punished as the most enormous crime ; that is, as the crime of one who with mature deliberation should propose to destroy both religion and the state ; as a crime, in short, whose perpetration is scarcely possible, and for whose detection a concurrence of greater proofs is necessary than for that of an ordinary offence. At the same time that Páramo wishes that, owing to the enormity of heresy, the second judgment of the Inquisition should be held in the light of a summary one, he confesses, when quoting the Chapter *Litteras De Præsumpt.* and also Peña, that the proofs of a crime ought to be the greater in proportion to its gravity.* It is by no means strange that the expositors of this form of legislation should fall into contradictions when its principles are continually clashing with each other.

Beccaria, speaking on this subject, observes that, “ if the gravity of crimes ought to be rated according to the dignity of the person offended, without any regard to the good or evil of society, an irreverence done to the

* Páramo, *De Inquisit. in Caus. Fidei*, lib. iii. quest. vi. n. 90.

Supreme Being ought to be punished with greater rigour than the assassination of the first magistrate of the nation, by the superior nature of the person offended acting as an infinite counterpoise to the difference of the offence. The falsity however of this opinion must immediately strike any one who impartially examines the relations which exist between man and man as well as between man and God. The first are relations of equality, of common utility arising out of the equilibrium of the passions and of individual interests, which constitutes the fundamental basis of human justice. The second are relations of dependence on the part of created beings towards a perfect and creative one, who reserved to himself the right of legislating and judging, since he alone without an abuse of power can apply those punishments he himself has established for those who contravene his eternal will. Besides, if the atrociousness of the sin, considered as an offence against the divine goodness, depends on the inscrutable malice of the heart, what human authority can measure out the penalty that is due? On the other hand, the acknowledgement of error and the repentance of the heart bring down upon the sinner the

consolations of a God, at all times disposed to mercy and pardon. Would not man therefore thus be in danger of punishing him whom God had pardoned, and of pardoning him who deserved punishment?"* In conformity to this we are therefore to conclude that the true and only measure of crimes, as well as of the civil punishments corresponding to them, is the injury they do to society; and that ignorance and cruel superstition alone could have raised an expression to the level of the most atrocious crime that can be committed against it.

PROOFS.

These are of three kinds; viz. by instruments or writings, by witnesses, and by the confession of the prisoner. The latter is again subdivided into voluntary, and that wrested from him by means of the torture. All of these have been in use in the Inquisition.

BY INSTRUMENTS OR WRITINGS.—It being a fundamental principle laid down in this tribunal that the prisoner is not to hide anything that may tend to elucidate his crime and its accompanying circumstances, a private

* Beccaria, Dei delitti e delle Pene, § vii.

instrumental proof, such as a letter or writing of the party, thence becomes a document of as much validity as a notarial deed; nor is it necessary for the writing to be legally proved, since it would be impossible for the party not to acknowledge it. From the same principle it follows that he is bound to denounce any such papers to the inquisitors, and even to find and put them into their hands, if this should be necessary to promote his condemnation. He is further compelled to translate them when the language in which they are written is unknown to the court, and to interpret and comment upon them when the sense is so obscure as not to be understood from a simple reading. Consequently the prisoner is thus forced to become his own accuser, and held to give in his sentence prepared to judges who are bound by no form; or in other words, he is obliged to offer himself up as a victim on the altar of the most despotic power, erected into a divinity.

By WITNESSES.—He who has heard or been present at a criminal act or saying constitutes a proper channel to furnish the judge with a knowledge of the offence, and of the person by whom it was committed; however, at no time has his bare declaration been held

as sufficient to proceed to the sentence, at least as far as regards the whole penalty. Error and rancour are vices too common in men for the security of the citizen to depend on the testimony of a single person, and even the Inquisition has been obliged partly to respect this axiom of political justice. But this is not the case when the evidence of two witnesses has been obtained; for although it may happen that both are mistaken, or both impelled by sinister motives, nevertheless when they are examined separately, and agree in the material points of the fact, it is not easy for them to be wanting to the truth, to which they must adhere with the greatest nicety, if they wish to accord between themselves. This is the reason why legislators have required at least the evidence of two concurring witnesses to establish the proofs of a criminal accusation, and have rejected the testimony of persons suspected of interest, bribery, or of enmity, an exception always attended to in civil cases, and yet not easily proved.

From what has already been said respecting secret accusations and accusers, it is easy to form a correct idea of the nature of the system adopted by the Inquisition with regard

to witnesses. It is therefore only necessary to remark that it excludes no one from giving evidence, in the same manner as no one is excluded or even dispensed from denunciation.

In order to establish the full proof, although two concurring witnesses are requisite besides the denunciator, those who do not concur but depose respecting different acts of heresy are sufficient for the infliction of the extraordinary penalty, and even for the abjuration and the infamy which accompanies it.* The suppression of the names of the witnesses permitted by the decretals, only when it was apprehended that injury might result to them owing to the culprits being persons of power, has been converted into a general rule by the inquisitors, and has even been extended to all kinds of causes.* Notwithstanding this

* Massini, *Prattica della S. Inquisizione*, part x. Avvert. lxxxix. "Benché i testimoni singolari non provano l'eresia ad effetto di condannare il reo con pena ordinaria, sono però bastevoli a cagionare che se gl'imponga qualche straordinaria pena o penitenza ed anco la purgazione canonica."

† *Instrucciones de Sevilla del año 1484*, § 16. The Order of Process, fol. 17, contains these words, "In causes which are not of heresy and contain no suspicions thereof, some variation usually occurs; but the parties

measure is so fraught with danger, the tribunal has considered it so necessary to its own ends, that in Germany at a time when the treasury was exhausted, the converted Jews offered Charles V. the sum of 800,000 crowns of gold if he would consent to regulate this practice by the usages of the other courts of justice. This proposal was rejected by the prince in condescension to the Inquisitor General, Cisneros, who represented to him the great inconveniences that would arise from such a change.* We ought not to be astonished at such a line of conduct. Whoever contemplates the scientific productions and the conduct of our literary characters of the 16th century, at the same time that he acknowledges their really great learning compared with the state of science in those days, will not fail to discover in most of them a certain tincture of superstition, from which even the above distinguished Cardinal was not altogether free. The prisoner consequently never knows who is his accuser, nor who are the witnesses to support his impeachment, for the court takes the utmost precaution to

are not cited to see the oath administered, and the names of the witnesses are kept secret."

* Páramo, De Orig. S. Inquisit. lib. ii. tit. iii. cap. ii. n. 9.

keep him in the dark. He is thus deprived of every means of being confronted with his adversaries, in those weighty cases in which all other courts would consider this measure as absolutely necessary. It is only when any doubt has arisen respecting the identity of his person that the witnesses view him from a secret place where they cannot be seen, which operation is called *per rimulas*; or else they are brought before him with masks on their faces and covered with cloaks from head to foot.* (Vide Plate III.)

* Massini, *Prattica della S. Inquisizione*, part ii. In Italy the confronting with various witnesses was usually performed in distinct acts, and the culprit was placed in a circle with other persons, to see whether they hit upon him. This last measure, also used in other tribunals, is strongly recommended by Massini; but in my opinion there is no necessity for it in the case in question. It might be requisite when the inquisitors doubted whether the culprit was known to the witnesses, but here the doubt is whether the latter tells a falsehood when he denies being the person the former affirms he is. The regulation of the Portuguese Inquisition (lib. ii. tit. iii. n. 7.) is more correct, since dispensing with both these formalities, it only requires that the witnesses be not known to each other; and this end is answered by their being placed in the position represented in the above plate. The Spanish Order of Process, fol. 26, simply says that the culprits are not to be confronted with the witnesses.

The great importance the Inquisition has always attached to the secrecy of the witnesses has induced it to resort to certain fictions, as indecorous to religion as they are dishonourable and unprincipled. In the summing up of the proofs when the accomplice-witnesses vary in their declarations and become perjured, this circumstance is completely hidden from the prisoner, who is thereby deprived of the opportunity of canvassing and rejecting their testimony, as undeserving of credit.* According to the same rule, not only the names of the accuser and witnesses are kept hidden from him, as well as the day and determined spot where the crime was committed, (the year, month, and town being all that is disclosed,) but even the circumstance in which he and one of the witnesses were concerned is totally disfigured to him, so as to lead him inevitably into error, unless he is well acquainted with the secrets of the Inquisition. Thus when the witness declares that the prisoner, in a certain confidential conversation held with him, made use

* Orden de Procesar, fol. 4, MS. note. "It is always inconvenient for the culprit to know that the witness has perjured himself, for which reason it is usual not to inform him of it."

of this or that expression, the inquisitors, accommodating the declaration to their own whim, roundly tell him that the witness heard him repeat this same proposition to another person, feigning that the conversation took place between three or more persons ; for in fact the expression amounts to this according to the common way of speaking, from which no tribunal ought to deviate, much less in summing up the proofs, unless its object is to authorize fraud and deceit.* This irregularity in the Inquisition is the more remarkable, because its original instructions prescribe, as a most essential point, that the

* *Compilacion de Instrucciones*, n. 32. "In the notification the month and year in which the witnesses make their depositions are to be inserted, but if any inconvenience should result from inserting the exact day, it may be omitted, as the month and year will suffice, and this is frequently done with witnesses belonging to the prison. In like manner the notification is to mention the place and time where and when the crime was committed, because it relates to the defence of the culprit; but the exact spot shall not be disclosed to him. And it is to be observed that, although the witness may depose in the first person, by saying that what he testifies of the culprit occurred to him personally, in the notification the whole shall be put down in the third, stating that he individually saw and heard what took place between the culprit and a certain person."

declarations of the witnesses shall be given to the prisoner in the most literal manner possible, which proves that it has not always acted wrong from a principle of ignorance.

I omit making mention of the other mode used by the tribunal in examining the persons rejected by the prisoner, although they do not enter into the number of the witnesses, which is done in order to cover the latter in a better manner; neither is it necessary to say any thing of the custom of examining witnesses against the persons excepted by the party.* I also omit noticing that the court even hides the circumstance of the death of those witnesses whom the prisoner may have named in his defence, in case they have died; and disfigures by various ways that of their not having been found, when he had named them to prove his objections to the persons whom he presumes are his enemies.† What is most worthy of attention is the extreme difficulty to which he is exposed

* Orden de Procesar, fol. 25. According to the author of the MS. notes, the Supreme Council of the Inquisition prohibited this abuse by an order of the 26th May, 1706; but the inquisitors took no notice of this, since he speaks of the practice as being current, and quotes the above order as if astonished at its contravention.

† Orden de Procesar, fol. 25.

in the establishment of his counter evidence, or those means he may have of proving that on the day and at the hour when the witnesses affirm he committed the crime he was at a different place from the one they assert. This difficulty amounts to an impossibility when they accuse him of having committed the crime within the prison, since the notification is made out under a date of a month previous to his confinement; and in Portugal the antedate went as far back as five or six months, and the charge did not specify the town but only the bishopric, if the culprit did not before live in the same town.*

The reason the inquisitors give for so singular a procedure is that otherwise, as from the time of his confinement he had only held

* *Compilacion de Instrucciones*, as above quoted. *Regimento do Santo Officio de Portugal*, lib. ii. tit. ix. n. 3. "Havendo alguma testemunha deposto contra o reo de culpa commettida no carcere do Santo Officio se lhe fará publicação della tomando o tempo cinco o seis mezes atras de sua prisão dizendo se que de tanto tempo a esta parte." And in lib. i. tit. vi. n. 23, we find these words: "E se as culpas forem commettidas no carcere não sendo o reo morador na cidade nem havendo noticia certa que veyo a ella no tal tempo, dirá (o promotor) que a culpa se commetteo no arcebispado ou bispado em que rezide o Santo Officio."

intercourse with a certain number of persons, he would be enabled to devise the authors of the accusation. But, is it possible that they do not discover that according to this rule they are obliged to state the period when the culprit committed the offence under an anticipation of several years, when during all this time he has been a prisoner ; and that they must thus only express the kingdom when he is transferred from one province to another, or even Europe alone, or any other quarter of the globe, when, on being claimed, he is conducted from one kingdom to another ; and even the whole globe itself, if, as it possibly may happen, he is conveyed from one of the four quarters to another. So certain is it that man if he once loses the proper equilibrium, no longer able to guide his steps, is precipitated from one abyss to another. The law, therefore, by which the Inquisition hides from the accused the names of his adversaries, thus neutralizing or depriving him of the means of defence, and leaving him no other grounds than conjecture, must be pronounced barbarous in its substance as well as in its mode of application.

It was in consequence of this unaccountable law that about the middle of the 16th

century the venerable professor Juan de Avila was nearly sacrificed. This virtuous man was usually called the Apostle of Andalusia, and it was to his preaching and advice that many of the persons then distinguished among us by their virtues were so much indebted. Among these may be named Ignatius of Loyola, Francis de Borja, John of God, Peter of Alcantara, and Teresa of Jesus, as well as the venerable Luis of Granada, who also received from him lessons of sacred eloquence. He was accused of teaching various errors in his sermons, one of which was, that he closed the gates of heaven against the rich, and he was consequently seized by the Inquisition of Seville. Being near his condemnation, the inquisitors told him that his affair was now in the hands of God, meaning by this that his case was entirely hopeless; asking him at the same time and in the usual manner whether he suspected any one of bearing enmity against him. The tranquillity of mind, on the one hand, with which he answered them, that those might be his enemies who were offended with the truths of the gospel, and that his cause was never better than when in the hands of God; and on the other, the great veneration in

which he was held throughout the whole kingdom, obliged the judges to make fresh and more minute investigations respecting his accusers and witnesses. By this means, and in an extraordinary manner, they obtained possession of a letter in which one of the latter exhorted a witness to keep firm to his declaration, in terms giving to understand that the accusation had been malicious. Thus did the venerable Avila escape shipwreck, when another innocent man, divested of the same favourable circumstances, would have infallibly perished.* But however much this zealous priest might have sought to heighten the difficulty of a rich man entering into the kingdom of heaven, could he have used any thing stronger than the text of the Gospel, where Christ compares this same difficulty to that of a camel passing through the eye of a needle, even when by the word camel or *גמלא* (*gamla*) as he must have pronounced it speaking in Chaldean, we are to understand, as appears ought to be the case, the rope made of the twisted hairs of that animal? This evinces how easily calumny may catch hold of a word, and that even

* Vide the Life of said Professor Avila, at the beginning of his works, book i. chap. vi.

supposing in tribunals silence is observed in other matters, in affairs of so delicate a nature as this publicity is indispensably necessary.

And if this really is the case, what motives could have given rise to the introduction of so scandalous a practice into the Inquisition, as well as its retention for so long a period of time? Has the necessity of maintaining religion been the plea? Nothing could be more favourable to its enemies, and nothing could furnish them with more powerful arms to attack and discredit it than such a necessity if it were certain. Or has it been the indemnity of the accuser and witnesses? A society whose laws are not sufficient for the protection of its members, and in which the latter are more powerful than the sovereign, is not deserving of that name. Or has the motive been a dread of the stigma attached to secret accusers? The man who is justified by the law in private cannot be held as criminal before the public. How numerous have been the errors, and how great the evils which have arisen out of a false zeal for religion! The Inquisition, far from being serviceable to it by its mysterious proceedings, has rather resembled a second tribunal of Caiphas, in which Christ, as head of the

Church, has suffered in his members what in the latter he endured in his person. And in truth, can any situation be imagined more like that of our Redeemer in the house of the above pontiff, when those his executioners, after binding his eyes, struck, and then told him to guess who gave the blow, than the condition of an innocent man standing before the tribunal of the Inquisition?*

* S. Matth. cap. xxvi. v. 68. "The Holy Tribunal," says the Filosofo Rancio, in his letter ii., "amply compensates to the culprits the injury they experience in being deprived of the defence they might establish by being allowed to state exceptions against the informer and witnesses. In the first place by the court ascertaining the character and reputation of the latter, and its searching out if they have against the culprit any probable cause of ill-will." Before we proceed any further, I do not deny that the court will endeavour to find out what reputation the informer and witnesses enjoy in society, and I even think it is easy for it to ascertain the point; but will it be equally easy to scrutinize with certainty, or even suspect, the odium or clashing of interests which possibly exist between two persons, perhaps the greatest friends in their exterior?—The Filosofo Rancio adds, "in the second place, it makes up to the culprits this injury, by not proceeding to a personal arrest till the informers and witnesses have confirmed their depositions before two or more persons of respectability, and under all the precautions which human prudence will admit of in order to prevent deception and surprise."—And I would ask, Of what service

BY VOLUNTARY CONFESSION.—I call the confession made by the prisoner at the instance or through the suggestions of the

would be two or more persons collected together in order to restrain or intimidate the calumniator who, before he resolved on the ruin of his rival, was aware he had to appear before some one? And who will believe that this tribunal will take all the precautions dictated by prudence, when it disregards those which rigorous justice prescribes, and the universal consent of nations has confirmed. It is unnecessary to seek subterfuges and invent sophisms in order to defend a proceeding so absurd as that of the Inquisition in this particular. This is a blemish it would be impossible to hide or wipe away. All the exertions the court may take upon itself in favour of the culprit will never make up for those of the culprit himself, of his advocate acting in his name, and even those which his relations and friends might perform for him. The Filosofo then subjoins, "In the third place, it makes this injury up to them by combining and putting in practice the most severe penalties against calumniators." It would first be necessary for the court to ascertain that they were of this stamp, and this is the precise point of difficulty; for it is clear that by the combination of punishment calumny is not always avoided, since the Inquisition itself confesses having had to punish it. How many of these calumnies must not have occurred before this tribunal, but how seldom have the punishments taken place? He thus concludes, "In the fourth and last place, this injury is compensated by an extraordinary value being attached to whatever exception the culprit may insinuate when he hits upon and guesses the names of the informers against him." Well

judge voluntary or spontaneous notwithstanding it partakes in a certain degree of moral coercion, in order to distinguish it from that which is obtained by means of the torture. These suggestions, from combining in them threats, and acting as a restraint on the will, have uniformly been reprobated by all codes except that of the Inquisition, which from the beginning to the end of the cause points out the confession of the prisoner as the only means of safely extricating himself from his dilemma, or at least of suffering less. But this is not the only injustice he has to experience; there is another and a still more remarkable one arising out of a deviation from the truth on the part of a tribunal that styles itself "Of the Faith." In order to prove this it will suffice to select

then the exceptions alleged by the culprit when he guesses who the informers are, can be of such a nature as to be esteemed of an extraordinary value? Yet the innocent man under the pressure of persecution, who may not have talent to hit upon his persecutor, in this tribunal becomes the victim of his own dullness! The want of penetration consequently is another crime punishable therein. Most assuredly this is a novelty to me, for I had hitherto believed that it was not the simple man but the one possessed of talents whom the Inquisition has usually selected for the object of its fury.

two of the ten stratagems used for this purpose, gilded over as they are by the name of precautions, as may be seen in the Directory of the Inquisitors, written about the middle of the 14th century, by the Dominican Nicholas Eymeric, Chief Inquisitor to the Crown of Aragon; a masterly work, whose authority in the Inquisition may be compared to that of the Decree of Gratian in the other ecclesiastical courts: a work in short which has served as a model for all the regulations which have been in force in Spain, Italy, and Portugal, and as authority for all who have written on the subject.

FIRST STRATAGEM.—“ When the prisoner has been impeached of the crime of heresy, but not convicted, and he obstinately persists in his denial, let the inquisitor take the proceedings into his hands, or any other file of papers, and looking them over in his presence let him feign to have discovered the offence fully established therein; and that he is desirous he should at once make his confession. The Inquisitor shall then say to the prisoner, as if in astonishment ‘ And is it possible that you should still deny what I have here before my own eyes?’ He shall then seem, as if he read, and to the end that the prisoner may

know no better, he shall fold down the leaf, and after reading some moments longer, he shall say to him ‘It is just as I have said, why therefore do you deny it, when you see I know the whole matter?’” In all this the author directs the judge not to enter too minutely into the particulars of the fact for fear of his erring in any of the circumstances, and lest the prisoner should discover the fiction.*

SECOND STRATAGEM.—“When the inquisitor has an opportunity, he shall manage so as

* Eymeric, Director. Inquisitor. part iii. n. 102. “*Si videat inquisitor hæreticum, vel delatum nolle detegere veritatem, et scit eum per testes non esse convictum, et secundum indicia videtur eidem esse verum quod deponitur contra eum, accipiat processum, et revolvat eum, et post dicat ei: Clarum est quod non dicis verum, et quod ita fuit sicut dico ego: dicas ergo veritatem negotii clare, sic ut ille credat se convictum esse, et sic apparere in processu. Vel teneat in manu unam cedula[m] seu scripturam, et quando delatus seu hæreticus interrogatus negabit hoc vel illud, inquisitor quasi admirans dicat ei: Et quomodo tu potes negare? Nonne clarum est mihi? Et tunc legat in cedula sua, et pervertat eam, et post dicat: Ego dicebam verum. Dicas postquam vides me scire. Caveat tamen inquisitor quod non tantum descendat ad speciem dicendo se scire negotium, quod hæreticus cognoscat quod ipse ignorat; sed stet in genere dicendo: Bene scitur ubi fuisti, et cum quo, et quo tempore, et quid dixisti; et tangat sibi aliud quod certum, quod scit ita esse; de aliis autem in genere loquatur.”*

to introduce to the conversation of the prisoner some one of his accomplices, or any other converted heretic, who shall feign that he still persists in his heresy, telling him that he had abjured for the sole purpose of escaping punishment by deceiving the inquisitors. Having thus gained his confidence, he shall go into his cell some day after dinner, and keeping up the conversation till night, shall remain with him under pretext of its being too late for him to return home. He shall then urge the prisoner to tell him all the particulars of his past life, having first told him the whole of his own; and in the mean time spies shall be kept in hearing at the door, as well as a notary, in order to certify what may be said within.”* Thus is

* Eymeric, Director. Inquisit. part iii. n. 107. “*Habeat inquisitor unum de complicibus, seu alium vere ad fidem conversum, et de quo bene confidere possit illi capto non ingratus, et permittat illum intrare, et faciat quod ille loquatur sibi; et si opus fuerit fingat se de secta sua adhuc esse, sed metu abjurasse, vel veritatem inquisitori prodidisse. Et quum hæreticus captus confiderit in eo, intret quodam sero protrahendo locutiones cum eodem, et tandem fingat nimis esse tarde pro recessu, et remaneat in carcere cum eodem, et de nocte pariter colloquantur, et dicant sibi mutuo quæ commiserunt, illo, qui superintravit, inducente ad hoc captum; et tunc sit ordinatum, quod stent extra carcerem in loco congruo exple-*

it, and with so little shame, that Inquisitor Eymeric explains himself.

That the Inquisition, in order to criminate its enemy and obtain possession of his property, should be thus wanting to the truth in some points which reciprocal confidence and justice ordain us to respect,—that it should seek to authorize by public faith an act in which the minister to whom the same is entrusted only intervenes out of doors and without seeing the persons to whose conversation he is to certify,—is not so astonishing when human frailty is considered; but that religion should be formally belied, and this by a regulation for that purpose enacted, is a sacrilege almost unheard of. Whilst the panegyrists of this institution, who boast of being theologians, extricate themselves from from this dilemma, the liberal and philosophical ought to rejoice to see that every thing hitherto written against it is not only true but also moderate, notwithstanding its advocates attribute all to a spirit of heresy and libertinism. Don Manuel Abad y Lasierra, the last Inquisitor General but one, and also Archbishop of Selimbria, a person by no

rantes, eos auscultantes, et verba colligentes, et si opus fuerit, notarius cum eisdem."

means prejudiced, and for that reason not liked among those of his own cloth, speaking of the ease with which an innocent may be entrapped in the snares of this tribunal, used to say that he had never feared the Inquisition till he had been made Inquisitor General. What therefore must have been the nature of this tribunal in all its force and vigour, when such was the idea of it whilst now in a state of decrepitude!

What justice or humanity therefore can be expected from a tribunal which so basely and systematically tramples on both? Can its sentiments of religion be called true, when their profanation is thus sacrilegiously authorized? Is there any one yet so blind as not to discover that an institution in which such iniquitous acts are ordered and executed must be the work of fanaticism? Methinks I see this monster, this proud and haughty rival of religion, its head tressed with serpents, its eyes red and fiery, its lips covered with bloody froth, and muttering words indicative of the rage that devours its entrails, with one hand raising the wood of the cross as if to assemble the nations of the earth, but in reality to feed the flame of discord which it carries in the other. Such methinks I behold

it, as on the dark and dismal day when the Inquisition was established in Tholouse, and calling on all the violent and obdurate feelings of the heart as its inseparable companions: methinks I hear it issue the same orders that Tasso's Pluto gave to his infernal satellites when he opposed the conquest of the Holy Land by the Christians.

“ Ma perché piú v' indugio? Itene, o miei
Fidi consorti, o mia potenza e forze.
Ite veloci, ed opprimete i rei,
Pria che 'l lor poter piú si rinforze,
Pria che tutt' arda il regno degli Ebrei,
Questa fiamma crescente omai s'ammorze;
Fra loro entrate, e in ultimo lor danno
Or la forza s'adropri, ed or l'inganno.”

But wherefore thus your well-known zeal detain?
Go faithful peers and partners of my reign,
My pride and strength! our hated foes oppress,
And crush their empire ere its pow'r increase;
Haste (ere destruction end Judæa's name)
And quench the fury of this growing flame;
Mix in their councils, fraud and force employ,
With ev'ry art industrious to destroy.

The same reasons might also be alleged by the partisans of the Inquisition in favour of their conduct, as were used in defence of his own by Hidraotes, the Mussulman

magician, when executing the designs of Pluto.

*Per la fé—il tutto lice.**

For the faith—all things are lawful.

CONFESSION EXACTED BY MEANS OF TORTURE.—When I reflect on the use of tortures formerly admitted into almost all tribunals, in order to extort from culprits the confession of their crime, or, in other words, to oblige them to pronounce their own sentence of condemnation, I am inclined to forgive those public writers who have doubted whether men have gained or lost most by uniting in society. Savage must have been the man who first projected, and still more so who dared propose, among civilized nations the adoption of a judicial test so cruel and fallacious as this. Had we not ourselves reached those unfortunate times in which this abominable practice was still in use, we should scarcely have believed it had ever existed; nor will it be credited by future ages, notwithstanding it is attested by history, and sealed in the blotted annals of our national legislation. But it is a fact which the living themselves have witnessed: the torture has

* Torquato Tasso, "*La Gerusalemme Liberata*," cant. iv. stanza 16.

been in practice in our own tribunals, and the plaintive cries extorted by pain have been taken for the accents of undisguised truth. We ourselves have been exposed to the rigour of this most vile and atrocious of all inventions.

Yet since the ordeal by torture is now condemned in every quarter where human blood is valued, and where justice, through the aid of science, has again returned to the right path, from which it had been drawn by our too servile imitation of the ancients; it would be to no purpose to accumulate fresh reasons to prove its iniquity and want of efficacy. Among the ancients nevertheless some are to be found who cried out against it, so that instead of common prejudice it was rather sustained by that fatal spirit of servile imitation which upholds every thing bad, especially when recommended by the sanction of a legislator. Maturely ought a law to be considered before it is admitted into the code, above all in criminal matters.* Confining myself therefore to my more immediate

* The use of the torture was impugned, though in a cursory manner, by Cicero, Quintilian, St. Augustin, and Ulpianus. Several of our own authors have also reprovèd it, and for this reason their names ought to be remembered

object, it will suffice to say, that the acts of other tribunals, intended to wrest from the mouth of the culprit the confession of his offence by means of the torture, have not been less unwarrantable and tyrannical in general than those of the Inquisition in particular, applied, as they have been, under pretext of changing his opinion through the medium of coercion. Both seem to have been ignorant of the true impulse of the human heart, and have clearly proved that the passions by which they were animated were of all others least adapted to promote public happiness. It was only among slaves, and amidst the ignorance and ferocity of the primitive ages, that the torture could have been tolerated; when by a shameful degradation of the human species, men were scarcely held in any other light than as beasts; nor could it ever have been extended to the citizen but where the power of the Cæsars had no barriers to its lawless and unbridled scope.

Since then the torture may be considered as the double effort of barbarity and despot-

with gratitude. Among them are Luis Vives, in the 16th century; and in the last, Father Feijoo, and also Don José de Acevedo and Don Manuel de Lardizabal.

ism leagued against suffering humanity, it may easily be concluded that it was received with open arms by the Inquisition. Tenaacious in its system of oppression and vengeance, no other tribunal has surpassed it in severity, whether we consider the quality of its torments or their duration. No form of judicial excruciation, in fact, has been too much for it: on the contrary, all the other tribunals in the midst of their horrors and ignominy might have furnished it with lessons of sensibility. It is not my intention in this place to describe any other kinds of torments than those in usual practice, and which, for this reason, are recorded by the authors who have explained the mode of process used in this institution. The matter is too painful and too disagreeable to admit of any other than the most necessary details; nor shall I heighten the subject by any forced colourings, since the simple narrative of the facts alone must make the writer and the reader equally shudder. I ought however to premise, that no deprecation or protest in favour of the culprit precedes the torture, as is the case before his final execution; nor, as in the latter stage, is its infliction given in charge to the civil magistracy, but executed

by the inquisitors themselves. During the operation, the bishop of the diocess jointly presides with them, he being on this occasion called upon to exercise this first act of his jurisdiction.*

I call this the first act of jurisdiction exercised by the diocesan, because in fact the Inquisition does not require his presence during all the process of the summary judgment; as if in matters of faith he possessed no jurisdiction whatever, notwithstanding the issue of the cause entirely depends on the grounds established in the preliminary proceedings. He is for the first time invited to assist at the sentence of the torture and its infliction; and why all this? Such an infringement in appearance might be held as just and reasonable, but its result has been to degrade and vilify the episcopal authority still more. In Spain it was formerly sufficient for one or two inquisitors to be present at the administration of the torture, as has always been the case in Italy, and it even appears that some of them, whose feelings beyond doubt would not allow them to behold with their eyes what they had not hesitated to order and authorize by their

* *Compilacion de Instrucciones*, n. 48.

signatures, gave this commission to another ; but it was afterwards regulated that at least two inquisitors were to assist thereat besides the delegate of the diocesan bishop.* However as nothing evinces in a stronger manner the idea the inquisitors themselves had of the atrocity of the torture, and the danger thereby incurred by the culprit, than the very form of the inflictive sentence, it may be proper to insert it in this place in its exact words.

SENTENCE OF THE TORTURE.

“ *Christi nomine invocato.* We hereby ordain, after due examination made of the proceedings of said trial, as well as of the inferences and suspicions which thence result against the said N., that we ought and hereby do condemn him to be interrogated under the torture,” (some judges here expressed the kind it was to be) “ on which we command that he be placed, and thereon remain for such time as to us may appear fit, in order that he may declare the truth of what is attested and alleged against him, under the protest we now make against him ; that if during the said torture he should die,

* *Compilacion de Instrucciones*, n. 48.

should be maimed, or any effusion of blood or mutilation of members should thence ensue, the blame and charge thereof shall rest on himself, and not on us, for having refused to confess the truth. And by this our sentence we decree and command the same to be done, by virtue of, and in conformity to, the tenor of these presents.”— (Here follow the signatures of the judges, &c.*)

When the culprit was of opinion that the inferences against him did not amount to a semi-plenary proof, such as was requisite for the sentence of the torture, he was allowed to appeal to the Council of the Supreme; and also to remonstrate with the inquisitors themselves, whenever any infirmity or the delicacy of his constitution made him unable to endure it. In the first case the appeal was granted when sufficient reasons had been alleged, but the original proceedings were forwarded to the Council under the greatest reserve. In the second, an examination of physicians is ordained, and, on the culprit's statement being found correct, a lighter torture was substituted for the ordinary one, or this was administered

* Orden de Procesar, fol. 28.

with less rigour. But would the inquisitors readily admit of an appeal against a measure which they themselves had instituted? Seldom indeed, or never, was the prisoner able to establish his plea so as to obtain the benefit of an appeal; since, in order to refuse it, nothing more was necessary than for the judges to be satisfied that their measure was correct.* Even in Portugal the proctor was allowed to appeal if he believed that the latter acted with too much indulgence.†

Three kinds of torture have been generally used by the Inquisition, viz. the pulley, rack, and fire. As sad and loud lamentations accompanied the sharpness of pain, the victim was conducted to a retired apartment, called the Hall of Torture, and usually situated under ground, in order that his cries might not interrupt the silence which reigned throughout the other parts of the building. Here the court assembled, and the judges

* The Compilation of Instructions, n. 50, uses the following words: " In case the inquisitors are satisfied with the legal appearances of guilt resulting from the proceedings the sentence of torture becomes justified, the appeal is deemed frivolous, and they are to proceed to its execution without any loss of time."

† Regimento do Santo Officio de Portugal, lib. ii. tit. xiv. n. 3.

being seated, together with their secretary, again questioned the prisoner respecting his crime, which if he still persisted to deny they proceeded to the execution of the sentence.

This first torture was performed by fixing a pulley to the roof of the hall, with a strong hempen or grass rope passed through it. The executioners then seized the culprit, and leaving him naked to his drawers, put shackles on his feet, and suspended weights of 100 pounds to his ancles. His hands were then bound behind his back, and the rope from the pulley strongly fastened to his wrists. In this situation he was raised about the height of a man from the ground, and in the mean time the judges coldly admonished him to reveal the truth. In this position as far as twelve stripes were sometimes inflicted on him, according to the inferences and weight of the offence. He was then suffered to fall suddenly, but in such manner that neither his feet nor the weights reached the ground, in order to render the shock of his body the greater.* (Vide Plate IV.)

* Orden de Procesar, fol. 29.—Suárez de Paz, Praxis, tom. i. part v. cap. iii.—The statement or report which the secretary is to draw out, according to the marginal

The torture of the rack, (vide Plate V.) also called that of water and ropes, and the one most commonly used, was inflicted by stretching the victim, naked as before, on his back along a wooden horse or hollow bench with sticks across, like a ladder, and prepared for the purpose. To this his feet, hands, and head were strongly bound, in such manner as to leave him no room to move. In this attitude he experienced eight strong contortions in his limbs, viz. two on the fleshy parts of the arm above the elbow, and two below, one on each thigh, and also on the legs. He was besides obliged to swallow seven pints of water, slowly dropped into his mouth on a piece of silk or ribbon which, by the pressure of the water, glided down his throat, so as to produce all the horrid sensations of a person who is drowning.* At other times his

note of the Order of Process, is the following: "He shall set down in what manner they ordered the culprit to be stripped naked, how they put irons on his legs, as well as the weight or weights; and the same shall also specify in what manner he was raised up, how many times, and the length of time he was suspended at each."

* Orden de Procesar, fol 29.—Suárez de Paz, Praxis, tom. i. cap. v. part iii.—The statement to be drawn up, according to a marginal note of said Order of Process, is as follows: "He shall set down in what manner they ordered

face was covered with a thin piece of linen, through which the water ran into his mouth and nostrils, and prevented him from breathing. Of such a form did the Inquisition of Valladolid make use, in 1528, towards Licentiate Juan Salas, physician, of that city.*

For the torture by fire the prisoner was placed with his legs naked in the stocks, the soles of his feet were then well-greased with lard, and a blazing chafing-dish applied to them, by the heat of which they became perfectly fried. When his complaints of the pain were loudest a board was placed between his feet and the fire, and he was again commanded to confess ; but this was taken away if he persisted in his obstinacy. This species of torture was deemed the most cruel of all ; but this, as well as the others, were indis-

his arms to be bound, the number of turns given to the rope, how they ordered him to be extended on the horse, and to have his legs, head, and arms bound, and in what manner this was done ; how they commanded and applied the screws, how these were tightened, and whether against the leg, thigh, arms, &c. He shall further write down what was said on each of these occasions ; and how the piece of silk was put into his throat, how many jars of water were poured down, and what each one contained."

* Llorente, *Anales de la Inquisicion*, cap. xvi. n. 119.

tinctly applied to persons of both sexes, at the will of the judges, according to the circumstances of the crime and the strength of the delinquent.* (Vide Plate VI.)

The torture by fire, however, does not appear to have been much in use except in Italy, and this when the culprit was lame, or through any other impediment prevented from being suspended by the pulley. In the latter countries also other lesser tortures were used with persons unable to withstand those already described. Such were that of the dice, of the canes, and of the rods. For the first, the prisoner was extended on the ground, and two pieces of iron shaped like a die, but concave on one side, were placed on the heel of his right foot, then bound fast on with a rope, which was pulled tight with a screw. That of the canes was performed by a hard piece being put between each

* Massini, *Prattica della Santa Inquisizione*, part vi. The statement to be written down, according to this inquisitor, is as follows: "*Qui reus sic suppositus (tormento hujusmodi) nudatis pedibus illisque lardo porcino inunctis, et in cippis juxta ignem validum retentis, quum stetisset per spatium —; in dicto tormento tacitus, cæpit postea alta voce vociferando dicere "Oï me!" &c.,—et quum videretur magnum dolorem sentire, D.D. mandaverunt apponi tabulam, &c.*"

finger, bound, and then screwed as above. That of the rods was inflicted on boys who had passed their ninth year, but had not yet reached the age of puberty, by binding them to a post, and then flogging them with rods.*

The duration of the torture, by a bull of Paul III., could not exceed an hour; and if in the Inquisition of Italy it was not usual for it to last so long, in that of Spain, which has always boasted of surpassing all others in zeal for the faith, it was prolonged to an hour and a quarter.† The sufferer, through the intensity of pain, was sometimes left senseless, for which case a physician was always in attendance to inform the court whether the paroxysm was real or feigned; and according to his opinion the torture was continued or suspended.‡ When the victim remained firm

* Massini, *Prattica della Santa Inquisizione*, part vi.

† Orden de Procesar, fol. 28, note MS. "In the Inquisition the torture is generally administered in the morning. Letter of the Supreme Council, of 23d Sept. 1671, to the tribunal of Llerena, in the case of Ann Lopez. It is usual for it to last an hour and a half." *Quinta*

‡ The statement or report made on this occasion, according to Massini, *Prattica della S. Inquisizione*, part vi. is as follows: "*Qui reus sic depositus, et super sede lignea accommodatus, quum licet pluries interrogatus, commotus,*

in his denial, and overcame the pangs inflicted on him,—or when, after confessing under them, he refused to ratify his confession within twenty-four hours afterwards,—he has been forced to undergo as far as three tortures with only one day's interval between each.* Thus, whilst his imagination was still filled with the dreadful idea of his past sufferings, which the Compilation of Instructions itself calls agony, his limbs stiff and sore, and his strength debilitated, he was called upon to give fresh proofs of his constancy, and again endure the horrid spectacle, as well as the repetition of excruciating pangs ; tending to rend his whole frame to pieces.†

The persons charged to inflict these cruel operations were generally the servants of the

et quassatus responsum non daret, nec in animum rediret, immo semimortui imaginem præ se ferret, D.D. mandaverunt in ejus faciem aquam frigidam guttatim inspergi, vel ejus frontem, et tempora, et nares, et guttur aceto rosaceo madefieri, vel nares ipsius sulphure, aut petiis lineis accensis suffumigari,” &c.

* Massini, *Prattica della S. Inquisizione*, part. vi.

† *Compilation de Instrucciones*, n. 49. By them it is forbidden to suggest any answer to the culprits, and only to command them to speak the truth, “because under such an agony,” these are the precise words, “they say any thing they are reminded of.”

gaoler, as may be seen from the regulations of the Inquisition of Portugal, as well as the executioner and public cryer.* However as this institution was formerly under the charge of the Dominicans, and of late years also in Italy, it is probable that the lay-brothers were selected to inflict the torture; particularly as the Inquisition was usually contiguous to their convents, with which they communicated by a secret door and passage. I am the more induced to believe this circumstance, owing to the great secrecy with which the inquisitors carried every thing on, and because by services of this nature the lay-brothers, far from being dishonoured, considered they were doing acts acceptable to God. At least this must have been the case with regard to those culprits who were ecclesiastics; since Peña, on the authority of Simancas, says that they are to be tortured by persons of their own profession, and that it was only when those of the latter description could not be found willing and capable of doing it that seculars were to be called in.† In the

* Regimento do Santo Officio de Portugal, lib. ii. tit. xiv. n. 2.

† Peña, Ad Director. part iii. com. xc. These are his

vocabulary of these canonists what is it they could have understood by ecclesiastical meekness?

When neither persuasions, threats, nor artifices were sufficient to force the culprit, truly or falsely, to confess his delinquency, the inquisitors thus recurred to the torture, mixing even this deception with severity; for, besides threatening the prisoner to make his pangs last for an indefinite period of time, in order to inspire him with greater terror, they made him believe, after he had borne them for the usual and fixed period, that they only suspended their continuation because it was late, or for some other similar reason; they protesting at the same time that they did not deem him sufficiently tortured.* By this protest they avoided giving

words: "*Clerici non debent torqueri a tortore laico, nisi forte clerici non possint inveniri, qui id facere velint, aut sciant.*"

* The statement or report which the secretary is to draw up at the conclusion of the torture, according to the Order of Process, fol. 25, is under the following form: "And then the inquisitors and diocesan bishop agreed that, in consequence of its being late, as well as for other reasons, they suspended for the present the said torture, under a protest that they had not sufficiently tortured the culprit, and that, if he did not reveal the truth, they

a second sentence when they returned to inflict the torture afresh, since they considered it as a continuation of the preceding one; by which means they were able to torment the victim as often as they thought proper, without formally coming to the second torture. So indecent and iniquitous did this conduct of the Inquisition appear to Martin del Rio that, notwithstanding his great prejudices in favour of the institution, he reprovcs it in the strongest manner by observing, that it seemed to him "to be rather the work of cunning than of truth, and rather the invention of cruelty than of justice." "It is indecorous," he adds, "to refine cruelty by such tricks. Of what avail is it to give the name of continuation to what in reality is a reiteration? And what a most terrible thing is it not, to prolong a torture for several days? Let similar deceptions be no longer seen in judges who call themselves pious." * Finally, the Supreme Council was

reserved to themselves the right of continuing it when it should seem proper to them;—and it was thus ordered," &c.

* Martin Delrio, *Disquisition. Magicar. lib. v. sect. ix.* "*Videtur mihi,*" he says, "*callidior quam serti,* (this protest) *et crudelior quam æquior. Nec enim docet,*" he

at last moved by the cries of humanity, and prohibited a repetition of the torture unless a fresh consultation or sentence of the court preceded.*

Thus, whilst the unfortunate victim, melted in tears at the sight of the horrors by which he is surrounded, bewails his miserable fate,—or, phrenzied with the force of fury, in vain calls all nature to his aid, and invokes the name of its author; whilst his passions are alternately irritated and then depressed into a desponding calm,—at one time protesting his innocence and next calling down imprecations on his tormentors' heads; in short, whilst his body is shaken by the most violent convulsions, and his soul racked, first by the dread of the sentence that awaits his confession, and then by the protracted intensity of the pain he has still to endure if he persists in his denial,—his inexorable judges, unmoved by such a scene, with the coldest

adds, "hujusmodi verborum captiunculis sævitiam intendere. Quid prodest vocare continuationem, quod revera est iteratio? Quum durum etiam est per continuatos dies quæstionem exercere! Absint a piis iudicibus hujusmodi commenta."

* Orden de Procesar, fol. 28. note MS.—The Letter of the Council to which this note refers is of the 26th October, 1633.

cruelty mix their orders with his cries and lamentations; at one time addressing themselves to him to exhort him to reveal, and next to their officers to remind them of their duty. In the mean time, with the same serenity, the secretary pens down every sigh, groan, and execration, which the force of the torment obliges the wretched and frantic victim to utter.* This minute statement of every thing the person tortured said or did usually began from the very moment the tribunal was formed in the subterraneous vault, and the preparations were ready. Thus in the proceedings against Salas, above quoted, the report says that whilst enduring the torture he repeated the creed of St. Athanasius, (therein ignorantly called a psalm) and that he continued to give thanks to God and to the Virgin.

The legislators who originally authorized this mode of trial at least had the equity to pronounce all inferences of guilt as thereby

* Orden de Processar, fol. 29.—Massini, *Prattica della Santa Inquisizione*, part vi. “E procureranno,” he says, “i giudici che il notaro scriva non solamente tutte le reposte del reo, moa anco tutti i ragionamenti e moti che farà e tutte le parole ch’egli proferirà ne’ tormenti, anzi tutti i sospiri, tutte le grida, tutti i lamenti e le lagrime che manderà.”

wiped away, and dismissed the sufferer who persevered throughout in his denial; but the Inquisition condemned him to perpetual imprisonment; and when this was out of use, in consequence of the number of persons penanced, it sent him to the galleys for four or six years.* Consequently the unfortunate culprit, perhaps wholly innocent, often entirely disabled by the writhings of his muscles and the dislocation of his bones, caused by the shocks of the pulley,—crippled by the compression of his breast and other accidents of the rack, or maimed by the contraction of his nerves through the operation of fire,—was after all this obliged to endure the infamy of being mixed and confounded with the vilest wretches.

The Inquisition has uniformly adopted the vices of all other tribunals, and even added to them; but in the torture it has astonishingly surpassed them in rigour and cruelty. In the first place it originally invented new modes of inflicting it, respecting which, on

* *Compilacion de Instrucciones*, n. 54. Mention is there made of this extraordinary punishment; the Supreme Council designated the one I have just pointed out by a resolution of 29th March, 1608.—*Orden de Procesar*, fol. 30, note MS.

several complaints being made, a prohibitory article was framed under a project of reform, as we shall hereafter have occasion to notice. In the second, not content with obliging the culprit to confess his crime and reveal his accomplices, it also forced him to manifest his very intention; so that, when he had confessed every thing that could enter into the cognizance of a court, he was again subjected to the pangs of the torture, till he had declared himself to be as bad before men as his judges supposed he was before God.* But there was another practice still more inhuman. Whenever the culprit, from an impulse of repentance, at once confessed his intention and revealed his accomplices, the torture was nevertheless inflicted on him

* Orden de Processar, fol. 27, "Torture is to be applied upon him, whether it is for things he has done or said, or on account of his intention, in case he should deny it, or for secreting accomplices."—Massini also, in his *Prattica della Santa Inquisizione*, part vi. "*Si el reo a sua istanza deposto della tortura confesserà il fatto, dovrà anco successivamente interrogarsi sopra l'intenzione, e negando esso la mala credulità si esorti a confessar la verità; e persistendo si minacci che di nuovo sarà alzato in tortura, e perseverando pure nella negativa, in ogni modo si faccia di nuovo alzare, e nella tortura s'interrogghi sopra l'intenzione, et il tutto si eseguirà,*" &c.—Regimento do S. Officio de Portugal, lib. ii. tit. vii. n. 1.

in case any of the latter denied being such, in order to see whether he persisted in his declaration; nor was his ready confession and repentance of any avail, since he was equally put to the torture after confession, the same as if he had persisted in his denial.*

In this particular the Inquisition, with regard to the citizen, has imitated the conduct of the old Roman magistrates towards slaves; who gave no credit to their testimony in judicial cases unless their declarations were made under the anguish of the torture, conceiving that in no other manner they could speak the truth; a conduct so horrid, and at the same time so heinous, that the most sanguinary of the Emperors dared not to adopt it, not even those who were most opposed to the rights and liberties of the people.

It will not be improper to observe, that this tribunal; as it rather sought criminals than crimes, lost no opportunity of implicating the accuser and witnesses in the same cause, even so far as to interrogate them under the torture, when they did not declare enough, or were caught in any contradiction.† If this circumstance, as well as that of the

* Massini, *Prattica della Santa Inquisizione*, part vi. .

† *Ibid.* part x.

Inquisition searching out the particulars of the lives and habits of all of them, had only been known to the people, most assuredly there would not have been so many denunciators. This would have been a most excellent lenitive to appease the qualms of conscience of many devotees; who, seeing the dangers that awaited them, would here have found an outlet to their scruples and doubts which the strongest arguments could not have produced; and they would then have learnt to conciliate the authority of the law with charity towards their neighbour and safety to themselves. But these, as well as other points which, if they had only been known, would have prevented many and great acts of injustice, the Inquisition took good care to keep perfectly secret, whilst at the same time it celebrated its excommunications with the ringing of bells.

Besides the evidence, by writings, by witnesses, and by the free or constrained confession of the culprit, on all which the fiscal-proctor founds his accusations; in former times another species of proof was likewise made use of, to which the name of Compurgation was given. This consisted in compelling the prisoner to justify his conduct

and clear the suspicions against him, by obtaining the testimony of persons of respectability and probity; who, in greater or lesser number, affirmed under oath that they believed him to be a true Catholic, and, for that reason, free from the suspicions of heresy imputed to him. It suffices to know that in this tribunal another species of trial was practised, for us to fear that it was also a new source of injustice. Such, in fact, the process of Compurgation was; for any one was subjected to it against whose belief the smallest rumour had been circulated, even when this had arisen out of the worst of characters, and proved to have been disseminated by his enemies.* But this was not the worst. When a person thus defamed was unable to find suitable testimony in his favour, possibly in consequence of the dangers accompanying such a proceeding in the Inquisition, he was condemned as a contumacious heretic. To this doctrine, although taken from the Directory of the inquisitors, its commentator Peña was by no means reconciled; because he considered it too arbitrary and cruel. Eymeric, however, founds it on certain decretals, but whether correctly

* Eymeric, Director. Inquisitor. part ii. quest. lvii.

or not I am unprepared to say; nor is it necessary to ascertain the point, since, for my object, it is sufficient to know, that whenever the canon-law fails in its harshness against heretics, or against catholics accused of being such, in those cases, the Inquisition makes up the deficiency by its own interpretations.*

DEFENCE OF THE CULPRIT.

If the excess with which a tribunal urges the evidence adduced against a culprit argues a want of interest in his defence, it cannot be denied that the means of vindication granted by the Inquisition were extremely small. Besides this circumstance being notorious therein, as well as that of hiding from him the witnesses, there were others highly deserving of notice, which powerfully tended to confirm the same truth. Such was that of selecting an attorney for the prisoner who was not possessed of his confidence, with whom he was not allowed to communicate unless before witnesses, as well as before a notary, who was to certify

* Eymeric, Director. Inquisitor. part iii. n. 145.—Peña, com. xxviii.

all the particulars of his conferences. Such was that of the prisoner's attorney not being permitted to consult with any person respecting doubts that might occur to him, or to take a copy or memorandum of the proceedings, or even to speak of them out of the court. Such, in short, was that of withholding from the prisoner a copy of the proceedings and of his defence; by which he was denied the consolation of knowing, before his sentence was carried into effect, whether the exceptions and arguments produced on his behalf had been duly stated and considered, or whether any thing substantial had been omitted.* Above all, the

* *Compilacion de Instrucciones*, n. 35. "No opportunity shall at any time be given for the prisoner to communicate with his advocate or any other person, unless it is in presence of the inquisitors and the notary, who may certify to what passed."—n. 36. "The advocates are not to retain any copy of the statement of accusation, file of proceedings, nor of the exceptions made against the witnesses; on the contrary, they are bound to return all to the inquisitors."—*Orden de Procesar*, fol. 26. "It was reported to him, that the defence he had solicited, and which it was possible and proper to make, had been received; and for this reason, if he was desirous to conclude, he could do it, and that if he wished any thing further he was to say it." Added in the margin: "It is not proper to read the defence to him, nor to give

injustice of the Inquisition has been glaring and unpardonable in three cardinal points, which constitute the defence of the accused ; such are the recusation of the judges, the appeal, and the intervention of the civil power. Let us briefly examine each of these points in a separate manner.

Recusation of the Judges.—Whenever the culprit has substantial reasons to apprehend that any or all of his judges are liable to be biassed by any hatred or resentment against him, the laws grant him the faculty of recurring to a superior court, in order to claim the nomination of others of whose probity no fears can be entertained. It is indeed true that this practice exists in the Inquisition, but it is enforced with the greatest difficulty, and only in very extraordinary cases, because the inquisitors conceive they have a right to be considered so upright and prudent as scarcely to admit of being recused.* With-

him an official copy of the same, although he may require it."

* Páramo, De Ordine Judiciar. S. Offic. lib. iii. Quæst. iv. n. 55. "*Tamen hæc (motives of complaint) non procedunt, nec habent locum regulariter in inquisitoribus fidei, quum hi velut suspecti recusari non possint; is enim (inquisitor) gravissimus, æquissimus, probatissimus, et prudentissimus eligi præsumitur.*"

out entering into the reasons these judges may have to boast of being better men than those of other tribunals, it is undeniable that the culprit would gain little by recusing them, since the summary judgment previously substantiated by them and by virtue of which he had been arrested is, if we may so call it, the prototype of, or what gives the tone to, the final sentence.

Appeal.—If in any tribunal powerful reasons can be found for granting to the culprit, condemned in the first instance, an appeal to a superior court, it is most undoubtedly in the Inquisition. The illegality which in this species of trial abounds on every side calls aloud for many judges to interfere in the ruin of the unfortunate, under a hope that humanity may effect in them what justice had not performed in those who originally traced out this institution. Nevertheless the canon-law is explicitly opposed to an appeal, nor is any other known in this tribunal, unless relating to the sentence of torture, and even in this a palpable contradiction is discovered;* since if sufficient reasons have been found for the appeal in the

* *De Hæret. cap. ut Inquisition. in vi.*—Eymeric, Director. Inquisitor. part iii. Quæst. cxvii.

irreparable injury resulting from the torture, why is the prisoner denied the same remedy with respect to the conclusion of his cause, when the evil that threatens him is so much the greater? It ought not to be said that it is the Supreme Council which properly condemns or absolves by confirming or amending the sentence of the provincial courts, because this is very far from being an appeal. To see whether they have or have not followed the regular forms of this unmeaning process, and whether the same have been scrupulously observed, that is, the governing rules thereof with all their vices, is the usual occupation of the Supreme Council; but carefully to examine the qualities of the witnesses, to sift out the proceedings of the whole cause, to ascertain whether any exceptions alleged by the prisoner have had all their due weight; in short, to find out whether all his pleas and arguments have been justly considered is not the business of the Supreme Council, nor can the culprit expect it. The reason they allege for the refusal of an appeal respecting the final sentence is not more satisfactory than that whereby they object to the recusation of the judges, purporting that it ought only to be granted for the defence of innocence and

not of guilt, as if it were an established point that in the Inquisition the culprit was unable to meet with any grievance, and that he necessarily must have trespassed.* To fill up the measure of iniquity in this particular nothing was wanting but to grant to the fiscal-proctor that same appeal which was refused to the culprit for his own defence, in order to make his oppression the more complete; and in fact this was granted by the regulations of the Portuguese Inquisition.†

Appellatory Remonstrance to the Civil Power.—I here principally allude to the ap-

* “*Fuit enim,*” says Páramo, De Ord. Judiciar. lib. iiii. Quæst. iv. n. 58. “*appellationis remedium institutum ad præsidium innocentiae, non ad defensionem iniquitatis; quod utique obtinet in favorem fidei, et in odium hæreticorum ne judicium protrahatur, et quia quæ sententia maturo et pensato præcedenti judicio fertur, non debet per iniquas calumniantium versutias retractari.*”

† Regimento do Santo Officio de Portugal, lib. ii. tit. xxi. n. 1. The words are as follow: “Das sentenças que os inquisidores darem nos processos que se despachão na mesa do S. Officio, ou sejaõ definitivas ou interlocutorias, poderá o promotor appellar para o conselho geral allegando por escrito as razoens com que pretende mostrar por parte da justiça que lhe he feito agravo; e isto haverá lugar não só nas sentenças dadas em processos que não ouverem de hir ao conselho, mas tambem naquelles que per bem deste Regimento lá devem de hir.”

pellatory complaint and remonstrance to the superior, which belongs to every culprit, on account of grievances experienced in proceedings instituted against him. In like manner as every citizen makes a just sacrifice of part of his liberty, as ordained by the laws, so in return has he a right to expect from them a ready and infallible protection. And who more deserving of this than a prisoner, perhaps innocent, yet exposed to all the dangers of a criminal prosecution? In a situation so critical, government owes him not only the aid to which by justice he is entitled, but also the shelter which compassion would moreover inspire. This is the origin of appellatory remonstrances to the superior magistrate, more especially to restrain ecclesiastical power; and this general and obvious check in society thence becomes one of the strongest links of civil allegiance, and of that moral obligation we attach to it. By this means also the forsaken or injured culprit avails himself of the power of the social body against the encroachments of the subaltern magistrate, who profaning the sacred character with which he has been invested, plots the perdition of the unfortunate, and tramples on his rights without shame or

remorse. This check on arbitrary power in all cases of judicial process therefore constitutes the chief anchor that secures the safety and tranquillity of society, without which the citizen would be continually exposed to dangers and inquietude, and experience none of the advantages of social intercourse. Since then this right is so sacred and important, can it be supposed that it has been respected by the Inquisition? Has the person therein aggrieved any means of laying his wrongs at the foot of the throne? No! the bereft subject has nothing left within his reach but heroic resignation and despair.*

* Covarrubias, *Maximas sobre recursos de fuerza*, tit. xxxii. "I command," says the king in a royal order of March 10, 1553, speaking to the magistrates, "that henceforward, in no matter or matters, cause or causes, civil or criminal, of whatsoever kind or condition they may be, and which may be agitated before the inquisitors or judges of property, neither you nor any of you interfere in the way of appeal from grievances or by remonstrance; and that on no account whatever you take cognizance of the acts or grant writs against the inquisitors or judges of property; since if any person or persons, town or corporations, should feel themselves aggrieved they can have recourse to the judges of our Council of the Supreme and General Inquisition."

FINAL SENTENCE.

I give this term to the sentence in which the inquisitorial process ends, and not that of definitive, as is usual in other tribunals, because in this it is not so.* However the culprit may clear himself from imputed guilt, it is sufficient for his name to have sounded within those fatal walls for his cause to remain open for ever, since it only terminates by his complete condemnation, or that of his accusers if the calumny has been such as not to admit of an evasion.† It is the custom of this tribunal never to absolve any one in a simple manner against whom proceedings have been once instituted, but only at most to declare him absolved of the immediate charge preferred, by suspending the sentence and reserving to itself the right of continuing the process whenever fresh proofs may be brought forward. This method of acting in the Inquisition would be less odious if it did not impose a penalty on the culprit on account of mere suspicions: but constant in the practice of showing him the least possible favour, it does not terminate the process, in order to be

* Orden de Procesar, fol. 42.

† Compilacion de Instrucciones, n. 54.

the more ready to continue it when another opportunity offers, and at the same time condemns the culprit as if in fact his trial had regularly closed. Hence has arisen that diversity of abjurations to which the arraigned is held when he is reconciled to the Church, and which, in the terms of the Inquisition, are called the abjurations *de levi*, *de vehementi*, and *de formali*. To one of the two first of these forms every one indicted for heresy is obliged to submit, according to the degree of suspicion attached to his case, and the latter is imposed on all those who by the proceedings instituted appear to have sinned against the faith. I ought here to premise that reconciliation is granted to the culprit under a conditional form, which is, “that he has been converted from purity of heart and not through a feigned faith, and that he has confessed the truth, and hidden nothing respecting himself or any other person, alive or dead.* If there were no other proof of the little merit to be attached to the conquests made by this institution for the Church, is not the distrust manifested in this single particular sufficient to convince us of their inefficacy.

Besides the stigma of infamy incurred, the

* Orden de Procesar, fol. 33.

culprit accused of heresy, whether this results from the proceedings instituted or is only founded on suspicion, is always punished according to the gravity of his crime by a fine or loss of his property, by flogging, hard labour, or solitary confinement, which formerly was perpetual, and these punishments have even extended to death inflicted by fire, in which the civil magistrate interferes as the person charged with the execution. What rigid censures ought not to be passed on most of these punishments! In them how much has the Inquisition deviated from the spirit of Christianity! How flagrantly has it not trampled on the rights of society and of man! The infamy of the culprit transmitted to his innocent children, confiscation, transforming a judicial process of the most delicate nature into a lucrative speculation—imprisonment for life, by which the death of the citizen is prolonged to an indefinite period of time, are all ideas which excite sentiments of indignation in the contemplative mind. What contradiction do we not at once discover between this terrific power which the priests of the most amiable of religions have borrowed, or rather mendicated, from princes; and the native character with which its

founder originally adorned it. But as my object is conciseness, I shall direct my particular attention to the sentence of death, which the inquisitors comprehend under the title of "delivery over to the civil magistracy." This takes place with the formal heretic persisting in his error, to which class is also reduced the *diminuto*, that is, he who does not confess all they believe he ought to confess; with the penitent, but relapsed heretic; with the heretic convicted but refusing to confess, that is, when from the proceedings any one is proved to have fallen into heresy but refuses to conform to the sentence pronounced against him, rather protesting that he has ever believed and is ready to confess all the articles of faith; with the absent, condemned of rebellion; and lastly with the deceased heretic, whether he died before or after the process was instituted against him.

I ought here to observe that the pardon of life, which the tribunal once grants to the heretic, undergoes exceptions in many cases, such as when he denied the Trinity, the Incarnation of the Word, the Divinity of Jesus Christ, or the Purity of the Virgin Mary, or when he celebrated mass or heard sacramental

confession, not being a priest; that he is not only considered as a relapse who before abjured *de formali*, but also he who abjured *de vehementi*; in short that it rests on the pleasure of the inquisitors to grant or deny this pardon.* The bishop of the diocese also assists at this sentence, thus exercising his second and last act of jurisdiction, and the form is as follows.

SENTENCE OF THE DELIVERY OVER TO THE
CIVIL MAGISTRACY.

“*Christi nomine invocato.* We resolve, after due examination made of the proceedings and merits of the present case, that the said fiscal-proctor has fully and duly proved his accusation, in the form and manner he was bound

* Massini *Prattica della S. Inquisizione*, part x. avvert. xliii. *Compilacion de Instrucciones*, n. 41. On the latter point the instructions of the Inquisition of Seville for the year 1484, § 12, prescribe that the inquisitors ought once to receive the repentant heretic to penance, “excepting, if after examining the form of his confession, and duly weighing other circumstances depending on their will, it should appear to them that his conversion and reconciliation are feigned and not real, and they do not conceive any good hope of his return to the Church, for in such case they are to declare him to be an impenitent heretic, and deliver him over to the secular magistrate.”

so to do. Wherefore, we decree and ordain that his object has been fully established, in consequence of which we ought and do declare that the said N. has been, and is an apostate heretic, a defaulter and abettor of heretics, (when he is a relapse the words are 'a feigned, deceptive abettor, and impenitent relapse,') and that he has thereby fallen into and incurred the sentence of grievous excommunication, to which he is liable, as well as of the confiscation and loss of all his property, the same which we order to be applied and hereby do apply to the Exchequer of His Majesty, and in his name to the Receiver thereof, from the day and time he began to commit the said crimes of heresy, the declaration of which we reserve to ourselves; and that we ought to deliver over and hereby do deliver over the person of the said N. to justice and to the civil magistrate, especially to N. mayor of this city, or to his marshal in said office, whom we affectionately beseech and enjoin, as in the best form of right we are able, to deal tenderly and compassionately with him. And we further declare the sons and daughters of the said N. and his grandchildren in the male line to be unfit and incapable, and we hereby disable

them from holding or obtaining any dignities, benefices, or offices, as well ecclesiastical as secular, or any public or honourable employments; and also from using or carrying about their persons any gold, silver, pearls, precious stones, coral, silk, camlet, or fine cloth; from riding on horseback, wearing arms, or using or possessing any of those other things which by common right the laws and regulations of these kingdoms, as well as the instructions and forms of the Holy Office, are prohibited to all such disabled persons. And by this our definitive sentence we accordingly judge and decide, and in and by these presents order, the same to be executed."* Here follow the date and signatures.

In the above form we have the protest or intercession which the Inquisition and its advocates seek to bring forward as a proof of its mildness, and which, in the first part of this essay I asserted was a mere ceremony, promising to prove the same in another part of my work; this shall be at the end of the present division of my subject, when I have established the necessary premises in order

* Orden de Procesar, fol. 31.

to convey a complete idea of the hypocrisy of this practice, greater even than its futility and ridiculousness. As it is now time to speak of the punishment of death, which the culprit undergoes when condemned by this tribunal to be delivered up to the secular power; I shall not consider it so much in itself as in the atrocity by which it is accompanied. Rome, whose warlike inhabitants, from genius as well as constitution, beheld the blood of their fellow-creatures flow with the greatest insensibility—Rome, whose ladies, no less hard of heart than lascivious of mind, seated in the amphitheatre required of the gladiators already pierced with mortal wounds that they should still fall to the ground in a graceful posture—Rome, in short, familiar with all kinds of capital punishments, knew no one greater than the flames, since this more than any other, by instantly reducing the members into their last elements, also saddens the spirit, and fills the imagination with the keenest horror. Such is it represented by Tertullian, as the sad spectator of such heart-rending scenes, after he had compared it with decapitation, crucifixion, and the condemnation to be devoured by

wild beasts.* The Inquisition nevertheless has ever preferred this to all other modes of capital punishment inflicted by the forms of law. Thus while the Gospel passing through ages and nations like a benign dew has spread sweetness over their laws and customs, this fatal tribunal, advancing with equal steps and by the favour of princes, in its turn and as it were by reprisal, has committed the same cruelties as the enemies of religion, favoured as they also were by kingly protection; and in the vengeful fires in which so many martyrs triumphed, it has lighted up those torches with which it has sacrificed so many victims to superstition.

The conduct of the Inquisition towards the convicted but not confessed culprit is one of the points most worthy of observation. In this particular it may be affirmed that it compels the miserable persons who fall under its power to drink of the bitter cup to the very dregs, by clashing in the most contradictory and scandalous manner with the principles of the Catholic religion which it so improperly seeks to defend. Against the

* Tertullian, *Ad Martyras*, lib. vii. cap. iv. n. 1.—*Timebit forsitan caro gladium gravem, et crucem excelsam, et rabiem bestiarum, et summam ignium poenam.*”

culprit in the above-mentioned case it applies the same penalty as if he denied all the dogmas of the faith, and without any other reason than that of his holding the sentence as unqualified, as if this was not often the case not only in this tribunal, but also in others in which the mode of proceeding is incomparably more regular. Of no avail is it to the unfortunate victim to protest his firm belief, and solemnly profess, each of the articles of faith; it suffices to argue that the Inquisition has been surprised by the craft of a calumniator, or in any other manner to deny having deserved its sentence of condemnation, for the tribunal to pronounce him a heretic, and punish him as if he was an apostate to his religion. On this score also Trajan was more moderate towards culprits accused of Christianity, since he pronounced the accusation which existed against them as null, whenever they were ready to sacrifice to the idols.*

But to come to the point at once, the Inquisition ordains the same species of capital punishment against him who does not venerate the infallibility of its sentences, as against the man who denies that the Church is

* Plin. lib. x. epist. xcvi.

infallible in her dogmatical decisions. In conformity to these ideas, the culprit who seeks not to be wanting to the truth by confessing crimes he has not committed, in this tribunal is not only delivered over to the flames, but also deprived of spiritual succour by sacramental confession being refused him, which in those fearful moments the Church even allows to the most hardened highwayman. It only permits the prisoner to have a confessor for the purposes of absolution, when in contravention to his own safety and the welfare of his own family, he commits a falsehood, by approving as merited the sentence of condemnation pronounced against him; that is, it merely grants him absolution in the right of penance, at a time when no confessor can in fact absolve him. Can any other more evident and convincing proof be given of the opposition of this tribunal to the true principles of religion? I must either be deluded, and read in the books of the Inquisition what they do not really contain, or I must naturally conclude that the evidence of this demonstration is sufficient to convince the most obdurate.

Unfortunately this doctrine is but too pointed and manifest in all the works which

serve as a code or commentary to the judicial proceedings of this institution. The Beterrensian and Narbonensian synods, assembled during the greatest effervescence of inquisitorial zeal; the instructions of the tribunal of Toledo and also of Seville; a declaration of the Congregation of La Rota, as well as every other work relating to the institution and published by inquisitors themselves, together with its history amidst the multitude of sacrifices of this kind it presents, tend all to prove that this has been the exact practice uniformly observed in this particular.* Some persons have attributed it to policy on the part of the Inquisition, in order always to have the credit either of being compassionate, by alleviating the punishment of him who confesses, or of being just, by severely punishing him who refuses to confess. Others, however, have thought that it has rather been with a view to enjoy the confiscated property more securely from public censure, by the guilty in some measure authorizing the confiscation, in the act of acknowledging themselves such. For my own part, without entirely disregarding these two imputations, I attribute this inconsistency to the contra-

* Vide Peña Ad Director. Inquisitor. part iii. n. 211.

riety of principles by which it is governed, being at one time a tribunal of internal and next of external jurisdiction, as well also as a mixture of ecclesiastical and civil elements. The fact is that the popes, by dictating laws for its government, and the inquisitors, by commenting on and putting them into execution, have at length got into an endless maze of perplexity; and indeed this was to be expected from the windings and turnings, as well as the tricks, so remarkable in the judicial proceedings of this court.

But if the aggravated outrages committed by this tribunal against the living, through its vicious method of judicial process, cannot fail to revolt the feelings of every sensible man, how much must he not be shocked at its conduct towards the dead? With regard to the first, it may in some measure be said that they are allowed to establish their defence, at least by their pleas being partly if not entirely heard; but to institute a criminal suit against one already deceased, by forming a rigorous accusation against him, and this not on facts accompanied by permanent vestiges, but on words carried away by the winds nearly as soon as they were articulated, or perhaps on thoughts containing no

other harm than the malevolent interpretation attached to them; to expose his bones to the light of the sun as an object of derision and horror, after the earth, the common mother of all mortals, had received him into her bosom, without any one being found in his defence, unless some solitary relation or advocate only slightly acquainted with his rights, is certainly to disregard the most obvious impressions of the heart, and to spurn at the most commendable laws of humanity. Samuel bitterly reprehended Saul for disturbing the quiet he enjoyed in the region of shades, when he consulted him by means of a prophetess respecting the issue of a battle in which he was engaged; what then would have not been his complaint, if his bones had been dug up to be made an object of contempt?*

The peaceful envoys who, after a most bloody action, were sent to Æneas by the king of Latium, soliciting permission to bury their dead, alleged no other reason in support of their demand than the immunity which the living ought to grant to the dead.

“ Nullum cum victis certamen, et æthere cassis.”

VIRG. ÆN. l. xi. v. 102.

* Reges, lib. i. cap. xxviii. v. 15. *Dixit autem Samuel ad Saul; Quare inquietasti me ut suscitarer?*”

If therefore he, who has already paid to nature this last and most arduous tribute, merited such pity and respect from those nations which considered it impious to refuse him burial, would they have approved of his being disinterred for the detestable purpose of reeking vengeance on his earthly remains?

It may perhaps be retorted that we are here to understand persons guilty of high treason, with whom every pious consideration ceases. Granted that this is the case, and however absurd it may appear, let us suppose that the punishment executed against the delinquent, who has neither feet on which to stand in his own defence, nor tongue to use in his own justification, is an emanation of the fundamental compacts of society, yet will it be proper for the ministers of religion to be the depositaries of a jurisprudence so terrible, which with its iron rod reaches beyond the bounds separating time from eternity? Ulysses, grown old amidst the din of arms, lays down the fierceness of his profession and intercedes with Agamemnon, chief of the Grecian army at the siege of Troy, for permission to bury Ajax, guilty of high treason, and his personal enemy: it sufficed to behold him

in the arms of death for the hoary warrior to step forward to fulfil this office of beneficence and generosity with his own hands. The tender affections of that venerable soldier at such an interesting moment could alone be worthily expressed by Sophocles in his own majestic strains, of whose beauty and grandeur I do not wish to deprive my reader.

- Ulys.* τὰν ἄνδρα τόνδε πρὸς θεῶν
Μὴ τλῆς ἄθαρτοι ἄδ' ἀναλγήτως βαλεῖν.
Μήδ' ἢ βία σε μηδαμῶς νικηάτω
Τούτῳδ' ἐμισῶ ὥστε τὰν δίκην πατεῖν.
Agam. Σὺ τᾶντ' Ὀδυσσεύ τούδ' ἐπερμαχεῖς ἐμοί;
Ulys. Ἐγὼ γ' ἐμίσου δ' ἦνικ' ἦν μισῶν καλόν.
Agam. Οὐ γὰρ θανόντι καὶ προσεμβῆναι σε χρή;
Ulys. Μὴ χῶρ' Ἀτρεΐδῃ κέρδισιν τοῖς μὴ καλοῖς.
Agam. Ἡμῶς σὺ δειλοὺς τῆδε θ' ἡμέρας φανεῖς;
Ulys. Ἀνδράς μὲν οὖν Ἑλλήσιν πᾶσιν ἐπιδίκνας.
Agam. Αἰσῶγας οὖν με τὸν νεκρὸν θάπτειν ἔσθ;
Ulys. Ἐγὼ γε, καὶ γὰρ αὐτὸς ἐπιδάδ' ἔχομαι.

SOPH. Ἀίας μαστιγ. v. 1355, &c.

- Ulyss.* Then, by the Gods I beg, permit him not
To be cast out unpitied, unintomb'd—
Nor is it Ajax but the Gods you violate,
And trample on their laws. Howe'er we hate
The brave when living, none offend the dead.
Agam. Dost thou defend him then, Ulysses?
Ulyss. Yes;
I hated, whilst 'twas generous to hate.
Agam. Hast thou not cause to tread on, to insult him?

Ulyss. Oh king, forbear this triumph! 'Tis not well.

Agam. Art thou so fond then of a foe when dead?

Ulyss. Friendship and enmity by turns we prove.

Agam. Thou counsel'st then I should permit his burial?

Ulyss. Yes; I remember I myself must die.

If Ulysses could not bear to see burial denied to the body of Ajax, how much less would he have suffered it to be taken out of its last resting place, and converted into an object of scorn and public derision? These most humane sentiments are applauded, as if inspired by wisdom, in the chorus of the ancient dramas, in which the voice of reason or the general opinion were always expressed.

Chor. Ὅστις εἴ' Ὀδυσσεῦ μὴ λόγι γνῶμῃ σεφὴν
Φῦμι τοιούτων ὄντα, μᾶρος ἔσθ' ἀνίρ.

Chor. Whoe'er, Ulysses, says thou art not wise
Only discovers that he is not so.

Let those who find nothing in the Inquisition derogatory to the religion of a God crucified for the love of men deny, if they dare, that the ideas here expressed as precepts to the Athenian people are not more analogous to this same religion than those inculcated to catholic nations by the practice

of this tribunal. Let them declare, whether the feeling and elegant Sophocles, writing near five-hundred years before the preaching of the Gospel, and notwithstanding he was a heathen, does not prove that he was in greater accord with its meekness than the priests of that same Gospel, conducting themselves as they do in the manner above described in the Inquisition.

Soon after the establishment of the tribunal at Seville the practice was introduced of suspending the causes of the deceased, as well as those of the living, till fresh proofs appeared, whenever those already adduced were not sufficient to condemn them; and in the mean time the children of the parties were not allowed to marry or form establishments, in consequence of their property being within the grasp of the law.* The disabilities imposed on the children and grandchildren of every one condemned, or subjected to public penance, extend to holy orders, and to the employments and offices of judges, justices of the peace, governors of castles and prisons, bailiffs, aldermen,

* This is deduced from the fourth section of the Instructions of the Inquisition of Avila for the year 1498, in which this is prohibited.

jurists, inspectors, sewers, public weighers, notaries, lawyers, attornies, secretaries, accountants, chancellors, treasurers, physicians, surgeons, bleeders, apothecaries, brokers, and even traders.*

AUTOS DE FE.

An *auto de fe*, properly speaking, is the file of proceedings on which the inquisitors pronounce sentence against persons tried and convicted; but as it has been usual for this to be done with great parade and pompous solemnity, it is now generally understood to signify the solemn act or form under which the same is pronounced. Of these there are two kinds, viz. particular and general. The particular one, which is also called *Autillo*, or little auto, is either celebrated in a church, indistinctly in presence of the people, or in the sessions-hall of the court, with the doors closed and without the attendance of any other persons than those invited, generally the dependents of the Inquisition, or other select persons. The general auto has usually been celebrated in

* Instructions of the Inquisition of Valladolid, done there Oct. 7, 1488, n. 11.

some large and capacious church, or in the principal square of the city. The first of these autos takes place when the culprits are few, and the second, consequently, when they are numerous. In the general auto care is taken that it shall include persons convicted of different crimes, so as to render the spectacle more varied ; and, for this purpose, they are detained in the prisons though their trials are ended. Great care is also taken that among those condemned to death there be some relapsed persons, or others whom repentance cannot save from the flames ; for, if all could be pardoned by abjuring their errors, the court would run the risk of having the exhibition spoiled at the best part. Great care is also taken that no prisoner makes his appearance maimed or bruised by the torture ; for which reason that of the pulley is inflicted on no one unless fifteen days can intervene before the auto de fe is to take place ; and, in that case, the rack is preferred.*

* Regimento do Santo Officio de Portugal, lib. ii. tit. xiv. n. 6. “ Sendo necessario dar trato esperto nos quinze dias antes do auto, por naõ hirem os prezos a elle mostrando os sinais do tormento lho daraõ no potro.”

In one or the other of these autos the culprits come forth ; and when they are seculars they are dressed in the usual manner, though modestly, but when they are clergymen they are habited in their cassock without a girdle. Friars are dressed in the same manner as the clergymen, and the nuns in plain clothes ; and all have their heads uncovered when they are held to abjure *de lævi*.* When they are pronounced guilty of higher crimes they also wear insignias, partly emblematic of penance, but at the same time tending to bring ridicule upon them. These are the *sanbenito*, the *coroza*, the rope round the neck, and the yellow wax candle, not lighted, held in the hand, but which is lighted after the ceremony of reconciliation has been performed. The *sanbenito* is a penitential garment or tunic of yellow linen or cloth reaching down to the knees, and on it is painted the picture of the person who wears it, burning in flames, with several figures of dragons and devils in the act of fanning them. This is what is worn by the individual who is to be executed as an impenitent ; but when he is a reconciled relapse he bears the same flames without the figures.

* *Regimento do Santo Officio*, lib. iii. tit. ii. n. 5 and 6.

The term *sanbenito* is taken from the French one of *sac benit*.* Those who only do penance, instead of either, wear a cross of an oblique form, or in the shape of that of St. Andrew, made out of red cloth, when they are convicted of formal heresy; but there is only one arm to the cross if the suspicions have only been pronounced vehemently strong and not fully established.† In Portugal, when one of the impenitents is converted before being brought out to the *auto de fe*, the *sanbenito* or penitential garment is then painted with the flames downwards, there called *fogo revolto*, as a sign that the wearer has freed himself from their voracity.

This garment was afterwards placed in the parish-church of the person who had borne it to the place of execution, or worn it in the way of penance, in order that to him it might serve as an eternal opprobrium, and a trophy to the Inquisition.‡ However

* Fleury, *Institution au Droit Ecclesiastic*. chap. x.

† Llorente, *Anales de la Inquisicion*, cap. xi. n. 9.

‡ *Compilacion de Instrucciones*, n. 81. "It is clear and manifest that all the *sanbenitos* of condemned persons, dead or alive, present or absent, are placed in the churches of the towns where they have resided and been parishioners at the time of their arrest, death, or flight; and the same is also done with those of the reconciled

in latter times the hanging up of the *sanbenitos* was dispensed with, and only a board with all the particulars stuck up; but, in consequence of several disturbances taking place among persons whose family names were thus exposed, the Inquisitor General, Don Felipe Bertran, gave orders that they should be every where removed. They were accordingly taken down in some places; but, as many still remain suspended, it is clear that the order was not properly obeyed. Among them how many culprits have had their names thus exposed though deserving of our veneration for their virtues! I here particularly allude to the convicted who have not confessed; most of whom must have been martyrs to the truth; for it is not easy that a

who have fulfilled their penances and laid them aside, although they may have only worn them during the time they were on the platform whilst their sentences were read to them, all which is to be inviolably observed. And the inquisitors are further enjoined to see the said *sanbenitos* hung up and renewed, particularly in the districts they may visit, in order that the remembrance of heretics and their descendants may always be preserved; and on the same the time of the condemnation of each is to be inserted, specifying whether their crimes appertained to Jews or Moors, or the new heresies of Martin Luther and his followers."

man who is bad, and convicted and condemned as such, should wish to die on a scaffold when he is able to save his life by confessing the charge preferred against him. Let those banners of infamy be at once torn away from the sight of the people, since they dishonour the temples whose walls they cover more than the condemned persons whose names they bear.

The *coroza* is a pasteboard cap, three feet high and ending in a point. On it are likewise painted crosses, flames, and devils; which are varied according to circumstances. In Languedoc, when the Inquisition was founded, the *sanbenito* and *coroza* formed one single piece, which was a tunic with a cowl or hood.* In America it has been customary to add a long twisted tail to the *corozas* or caps worn by dogmatizers or by teachers of the law of Moses, in order to denote the crookedness or sophisms of their doctrines.† The persons also condemned to death, instead of a candle, carry a wooden cross painted green. Blasphemers are always brought out with a gag on their mouths;

* Llorente, *Anales de la Inquisicion*, cap. xi. n. 8.

† Fray Juan de Torquemada, *Monarquia Indiana*, lib. xix. cap. xxix.

and in general a quantity of these articles are kept in reserve, in case any of the other prisoners should become outrageous, and insult the tribunal, or perhaps attempt to reveal what is wished to be kept silent. (Vide Plate VII.)

With regard to the forms of a private auto, nothing particular occurs that is not to be found in the general one. In one of these autos the Inquisition of Coimbra, in the year 1667, brought out the celebrated Jesuit Antonio Vieira, after he had endured an imprisonment of two years and three months. "As his doctrines," says the historian who wrote his life, "touched on new interpretations of the Scriptures, as well as opinions different from the sense of some of the Holy Fathers, and also certain points of the faith; he greatly alarmed the most upright ministers of the tribunal. At this time (that is in 1665, when he was arrested) many propositions of his had already been laid before the Pope without the author's knowledge, and examined by two qualificators who had interpreted them in their own way. These same propositions had been extracted from a letter Vieira had written from the Marañon (in Spanish America) to the con-

fessor of the Queen Mother, and they were afterwards condemned in Rome ; but, besides these, secret information was also laid of several others, and he was consequently arrested by the Holy Office."—The charges preferred against him could not have amounted to any great heresies ; since the culprit was brought out without any candle in his hand, nor was he compelled to abjure even *de lævi* ; nevertheless, the reading of the proceedings lasted more than two hours.* It may be proper to remark, that the bad taste which then reigned among preachers caused them to adopt the fashion of wishing to shine as acute men, by risking propositions to all appearance heretical, and proving them by a thousand subtilties. Vieira, who, as his sermons prove, was not exempt from this contagion, was not however the most tainted with it, since he criticises and reproves it in his companions ; but as in the pulpit, the same as in his writings, he bore away the palm of merit, his rivals resorted to this means in order to supplant him, thus verifying the truth of the old proverb, *Quien es tu enemigo ? El de tu oficio*.—Two of a trade can never agree.

* Andres de Barros, Vida do P. Antonio Vieyra, § clxix.

In like manner, in the year 1778, Don Pablo Olavide, Mayor of Seville and Superintendant of the Colony of Carolina, established by Charles III. in La Sierra Morena, was brought out, after two years imprisonment, in a private auto performed in the Inquisition of Madrid. Having uttered I know not what propositions contrary to the faith, or at least as such they were reputed, a secret information was lodged against him by a German capuchin, who had come as chaplain to the German colonists. It is uncertain whether the friar was impelled to this act by virtue of his ministry, or in order to gain the good-will of certain owners of flocks who were opposed to the new settlement, in consequence of their deriving more advantage from this uncultivated tract being left for pasture. It is most presumable that the latter was the motive rather than the first, for the good friar was certainly given to intrigue, as was afterwards proved by certain commotions he stirred up in Carolina, for which reason he was banished the kingdom. About two hundred persons attended the auto of Olavide, who presented himself in his own proper dress, wearing the cross of Santiago, of which order he was a member. Among

other charges preferred against him by the tribunal, he was accused of having said that Peter Lombard and the other scholastics who followed him had filled theology with subtilties; of having treated those statutes of the Carthusians as absurd and inhuman which permitted the members of that order to eat all kinds of fish even the most rich and expensive, but forbade them when sick from eating meat and broth, however great their illness; of condemning the number of bells contained in some churches, and the manner of ringing them, as opposed to the police of nations; finally, of having made exertions, whilst his trial was pending, in order to ascertain the state of its progress. The punishment was reduced to the confiscation of his property and his being banished from Madrid and the royal residences, as well as from Lima his native country, and also from Seville. He was further declared incapable of obtaining any public employments, and besides condemned for eight years to the seclusion of a convent; his sentence not being rendered more rigorous in consequence of the court of Rome having interceded in his favour.

A sentence like this, in which the judges

included among the list of heresies (since such was the accusation against Olavide) propositions of the nature just described, must certainly rather have inspired disdain than compunction in so literary a character. Thus did it happen that on the first opportunity he broke his arrest and passed over to France. During his residence there the revolution burst forth, and he had to share in its ravages, being thrown into prison under the confusion of Robespierre; this, added to the inconveniences of an advanced age and a sickly habit, made him desirous of returning to Spain. In order to attain this, he sought to repair his reputation, and consequently wrote a work entitled, "*El Evangelio en triunfo, ó Historia de un Filósofo desengañado.*" (The Gospel in Triumph; or the History of the Philosopher undeceived.) Permission was granted him to return, on condition of his appearing before the inquisitor-general on his arrival, which in fact he did, in order to receive the penance the inquisitor might think proper to impose upon him: the latter, however, was satisfied with his docility and his labours in defence of religion. Olavide passed the remainder of his life in Baeza, spending, in favour of all kind

of needy persons, particularly poor widows, the greatest part of the pension assigned him by the king.

The general auto de fe, considering the great pomp with which it is celebrated, may in some measure be styled a splendid and august exhibition suited to inspire the common people with a most respectful admiration of the tribunal. In order to know that it unites two of the grandest ideas that ever occupied the human mind, it suffices to say that it is intended as an imitation of the Roman triumph and an anticipated representation of the last judgment. To be convinced of the truth of this observation, if we had not the testimony of the Inquisition itself, which has always made this a particular boast, the ceremonies adopted for the purpose would not allow us to doubt the fact. That pomp is well known with which the generals and emperors of ancient Rome celebrated their victories by entering what was called the triumphal gate, and going up to the Capitol for the purpose of giving thanks to the Divinity. After the conqueror had harangued the people and soldiers, distributing among them presents and part of the spoils, the procession moved onwards, accompanied

by the sounds of martial music; next followed the bulls which were to be sacrificed, ornamented with ribbons and garlands of flowers, or with gilded horns; behind them came the trophies gained from the enemy, and the effigies of the cities and nations conquered, each one with its name written in large characters; then followed the captive kings and captains loaded with chains, their heads shorn as a mark of slavery, and accompanied by the officers of the army and musicians of all instruments, when the whole procession was closed by a buffoon, who humbled the conquered with his jests and exalted the conqueror. Finally, the latter made his appearance crowned with laurel and bearing in his right hand a branch of the same, an ivory sceptre in his left, and seated on an ivory car ornamented with gold and drawn sometimes by white horses, and at others by elephants, tigers, or lions; the car was followed by the senate and the troops, and in this form the procession arrived at the temple where the sacrifice was solemnized; the whole feast then ended in a magnificent banquet which the hero of the triumph gave to those who had accompanied him.

These are as near as possible the forms and

ceremonies of a general auto, as will be seen by its description ; and consequently the sensation caused on the minds of the people was equally strong, since the formidable appearance of the judgment therein represented, and the tragic death of those who have been sentenced, amply make up for the greater brilliancy and magnificence of the triumph. The writers belonging to the Inquisition call this a horrid spectacle, and capable of striking terror and dismay into the minds of every one. It is not therefore to be wondered at that the inquisitors hold the people in a state of infatuation and terror, by causing themselves to be more dreaded than the civil authority itself, notwithstanding the latter communicated to them so enormous a power.* Unfortunately the tragedies of this kind were too frequently repeated from the latter end of the 15th to that of the 17th century for us not to be possessed of exact accounts of them ; and these, instead of offering to the eyes of posterity so many victories of the

* Páramo, De Ordin. Judiciar. S. Offic. lib. iii. quæst. iv. n. 36, makes use of the following words: "*Certe futuri judicii imaginem referunt (the autos of the faith) præsertim in diuionibus Hispaniarum ubi horrendum, ac tremendum spectaculum ad hoc paratur.*"

Inquisition, as it had foolishly dreamt, rather make it the object of abhorrence to future ages.

Among all the autos de fe we have on record, no one is so memorable as that which was celebrated in Madrid, in the year 1680, in the presence of Charles II., his spouse, and mother : a ceremony certainly worthy of being compared with the triumph of Paulus Emilius, the most striking that was ever known. At that time foreign papers made mention of it, in order to give some idea of the barbarity of our ancestors. This auto has always been selected by travellers as well as historians who have had occasion to treat of the Spanish Inquisition, as the most rare specimen that can be held up to curiosity ; and a painting of it by Francisco Rizzi is still preserved in the palace of the Buen Retiro, and serves as a monument of shame to those kings who made so bad a use of their power. This painting is perfectly conformable to the description given of the auto by José del Olmo, an eye-witness, familiar and also bailiff of the supreme court of Inquisition, and who consequently must have had no small share in the execution of the whole.*

* *Relacion Histórica del Auto general de la Fe que se ce-*

On the Inquisition coat of arms which the author places as a frontispiece to his work, in the back ground he adds two trumpets crossing each other, and then inserts this motto, formed out of the 4th and 7th verses of psalms xlv. and ciii. "*Sonuerunt et turbatae sunt gentes; a voce tonitruui tui formidabunt.*" This is another argument tending to prove the spirit of terror by which this tribunal is actuated, a defect which its dependants, from the judges down to the meanest officers, notwithstanding their protests of meekness and mercy have been unable to hide. If possible something still more remarkable is to be noticed in the coat of arms affixed to the description of the auto of the faith which occurred in Cordova, Dec. 5, 1745. On it is represented a pair of shackles placed horizontally on the body of the cross, forming another by the long irons being placed transversely, a sword to the right, and a palm on

febré en Madrid este año de 1680, con asistencia del Rey. N. S. Carlos II. de la Reyna N. Sra. y de la reyna madre. Siendo Inquisidor General el Excelentísimo Señor Don Diego Sarmiento de Valladares, dedicada à la S. C. M. del Rey N. S. Por José del Olmo, aloaide y familiar del S. Oficio, ayuda de la Furriela de S. M. y maestro mayor del Buen Retiro y Villa de Madrid.

the symbol of triumph, instead of the olive, to the left. From the description of the above auto, by Olmo, I shall therefore proceed to extract the sketch I am about to present to my readers, referring at the same time to some particulars of other autos which may be deemed most worthy of notice.

Several trials being ended in the Inquisition of Toledo, and among them some of great importance, the Inquisitor General Don Diego Sarmiento de Valladares, Bishop of Placencia, and late Member of the Council of Government during the minority of the King, judged that this would be an excellent opportunity of securing to himself the goodwill of his master, by affording him the entertainment of an auto de fe on a large scale. Charles II., who possessed few of the requisites for a monarch, and had besides been educated in superstitious credulity, gladly accepted the offer, and approved of the ceremony being performed at Madrid, in order that it might be attended with all possible pomp and parade. The Inquisitor General, together with the Supreme Council of the Inquisition, made the necessary arrangements and communicated his Majesty's orders not only to the tribunal of Toledo but also to

those of Madrid and other parts of the kingdom, commanding them to accelerate all the causes pending therein, in order that the number of criminals might be the greater. Sunday, 30th of June, a day on which the Church celebrates the commemoration of St. Paul, was fixed upon, as Olmo says, "in order that on that day this great triumph of the Catholic faith might also be celebrated,"* as if St. Paul could have triumphed over his enemies by bringing them forward in public autos de fe. And as the multitude of spectators likewise contributes to the display and parade of so grand an exhibition, it was solemnly proclaimed by the public crier a month before the time, that is, on the 30th of May, the day of St. Ferdinand, on which also the Ascension was kept. In this manner the people were invited to attend, and, as a stronger inducement, the indulgences granted by the popes on these occasions were also announced.† The following is the form of the public notification then used.

"Be it known to all the inhabitants and dwellers in this city of Madrid, the court of his Majesty present and residing therein, that the Holy Office of the Inquisition and king-

* Olmo, n. 7.

† Ibid. n. 25.

dom of Toledo celebrates a public auto of the faith in the large square of this said city on Sunday, 30th June of this present year; and that those graces and indulgences will be granted which the popes have enacted for all those who may accompany and aid in the said auto. This same is ordered to be proclaimed for the information of every one."*

In the mean time the Inquisitor General named various committees, composed of persons belonging to the Supreme Councils and other tribunals, in order that they might make the necessary arrangements for so great a solemnity.

Let us pay particular attention to this custom of performing these autos on Sundays, a circumstance which alone would argue the great contrariety of ideas so remarkable in this tribunal. Among all nations the day destined to return thanks to the Sovereign Maker of all things, as a remembrance of his omnipotence, is held as a day of rejoicing, on which it behoves us to abstain from every thing that may tend to disturb it, and indeed all servile occupations ought to be avoided. It is on this account that all kinds of work are suspended,

* Olmo, n. 109.

and for much greater reason ought the execution of public punishments to be withheld. Thus the the Hebrews, at the same time that they were forbidden to practise all manual labour, were ordered to remove the dead bodies from the church porches before the sabbath commenced; and even among us the civil courts never proceed to give sentence in any cases of trial, and much less to execute capital punishments on days consecrated by religion. The Inquisition alone is an exception to this general rule: by order of this arrogant tribunal the civil magistrate, putting on that obduracy to which on similar days he had been a stranger, imbues his hands in human blood, and profanes the solemn period of religious joy. It may perhaps be answered that these executions are performed in the service and behalf of religion; if so, bloody punishments are the offerings the Inquisition makes in honour of a meek and divine system of faith and worship.

Orders were consequently issued for a large stage or platform to be erected in the principal square, and in the mean time two hundred and fifty artisans were enlisted into the service of the Inquisition, under the title

of soldiers of the faith, for the purpose of guarding and securing the criminals. They practised the exercise of their arms, as well as the parts they were to act in this glorious triumph. Eighty-five persons also solicited and obtained the place of familiars to the Holy Office, among whom were grandees and the highest titles of Castile, together with other noblemen who, on account of the notoriety of their rank and the shortness of the time, received a dispensation from the Inquisitor General exempting them from going through the requisite proofs of the purity of their lineage.

On the approach of the appointed day the inhabitants of the neighbouring cities and towns thronged to assist at this auto of the faith; and numbers of commissaries, familiars, and other persons employed by the Holy Office likewise crowded up to town, bringing with them the various prisoners. On the 28th of June a preparatory ceremony of the auto was performed by way of rehearsal, in which the soldiers of the faith paraded in good order; marching out by the gate of Alcalá, where they took up a quantity of fagots purposely prepared, and carried them through the streets in a kind of proces-

sion, each bearing one as far as the outside of the gate of Fuencarral, the spot which had been marked out as the burning-place. They passed by the palace, and the king taking from the hands of the Captain an ornamented fagot expressly arranged, shewed it to the queen, and ordered it in his name to be cast first into the flames, thus imitating the example of St. Ferdinand, who, on a similar occasion, carried the wood on his own shoulders.

On the following afternoon the procession of the two crosses was performed: that is, of the green cross, as the insignia of the Inquisition, which was placed on the stage covered with a black transparent veil; and also of the white cross, which was deposited on a raised pedestal above the burning-place. Thus did this triumph commence, which we may truly call sacro-profane, on account of its mixture of religious and civil ceremonies, and its being divided into two parts, in which the religion of Jesus Christ and the Inquisition mutually triumphed. The procession of the crosses came out of the church of the college of Doña Maria de Aragon, and proceeded to the principal square: the white cross came first, carried

by the two congregations of St. Peter the Martyr belonging to Toledo and Madrid; and the green one followed, borne by the Duke de Medina Celi and the Dominicans, accompanied by the other religious communities and a multitude of persons belonging to the tribunal with lighted candles in their hands. The musicians of the royal chapel sung the psalm of the *Miserere*. The soldiers of the faith also formed part of the procession, firing salutes on their arrival at determined places. The green cross being placed on the altar, the Dominicans remained watching it and at midnight sang matins, which being ended these were followed by masses performed without any interruption till six in the morning; and, as before noticed, the united congregations of St. Peter the Martyr, having placed the white cross on a pedestal on the north side of the burning-place, a guard of the soldiers of the faith remained to take care of it. So far may properly be called the triumph of religion.

As soon as the procession was over and night had come on, the prisoners, who till then were scattered about in the houses of the familiars, on account of their numbers, as well as to avoid their communicating with

each other, were all collected into the secret prisons of the Supreme Tribunal of the city of Madrid. The respective sentences were notified to those condemned for execution, in order that they might prepare for death; and in case any of the persons convicted of contumacy might wish to be converted, the court remained sitting the whole night to give them hearing, and in fact two women were converted. The notification of the sentence was couched in the following words:

"Brother, your cause has been seen by and submitted to very learned persons, men of great letters and science, and your crimes have been found to be of so grievous and black a nature that for the purposes of punishment and example, it has been determined and ordained that to-morrow you shall die. Prepare and make ready for death, and that you may do this in a fit manner, two clergymen remain here to attend you."*

At length arrived the day announced by the Inquisition and so impatiently expected by the common people, who are the more pleased with bloody spectacles because of their imaginations being less susceptible of delicate impressions. At three in the morn-

* Olmo, n. 29.

ing the clothes and sanbenitos in which they were to appear were delivered out to the culprits, and their breakfasts were also handed to them. At seven the procession began to move in the following order. The soldiers of the faith came first and cleared the way; next followed the cross of the parish of St. Martin covered with black, and accompanied by twelve priests clothed in surplices and a clergyman with a pluvial cope; then came the prisoners to the number of one hundred and twenty, 72 of whom were women, and 48 men; some came forth in effigy and the remainder in person. First in the order of procession were the effigies of those condemned persons who had died or made their escape, and amounting in all to thirty-four; their names were inscribed in large letters on the breast of their effigies, and those who had been condemned to be burned, besides the coroza or cap on their heads, had flames represented on their dress; and some bore boxes in their hands, containing the bones of their corresponding originals. In the auto of the faith celebrated at Goa in the year 1676, the effigies were carried upright and fixed on long poles, and the boxes containing

the bones were borne behind each.* The above were followed by eleven sentenced to do penance, having undergone an abjuration *de levi*, and among them the impostors and polygamists wore the corozas, and some of them ropes on their necks containing as many knots as they had been condemned to receive hundreds of lashes. Next came 54 who had been reconciled, the most guilty wearing a sanbenito with only one branch, and carrying in their hands, as did also the above, a yellow candle unlighted. Lastly came 21 prisoners condemned to death, each with his corozas and sanbenito corresponding to the nature of his crime, and the most of them with gags on their mouths: they were accompanied by numerous familiars of the Inquisition in the character of patrons, and were besides each attended by two friars, who comforted the penitent and exhorted the obdurate. The whole of this part of the procession was closed by the high bailiff of Toledo and his attendants. The description does not say what the latter bore in their hands, but in the Auto celebrated in Mexico, in the year 1659, they carried a small wooden

* Relation de l'Inquisition de Goa, chap. xxxii.

cross.* Behind the effigy of each culprit were also conveyed boxes containing their books, when any had been seized with them, for the purpose of also being cast into the flames.† The courts of the Inquisition followed immediately after, preceded by the secretaries of those of Toledo and Madrid, with a great number of commissaries and familiars; among whom walked the two stewards of the congregations of St. Peter Martyr, carrying the sentences of the criminals inclosed in two precious caskets. So far the procession on foot.

Next, on horseback, paraded the sheriffs and other ministers of the city, together with the chief bailiffs of the Madrid Inquisition. Then came a long string of familiars, on horses richly and variously caparisoned, wearing the habit of the Inquisition over their own dress, the proper insignia on their breasts, and staffs raised in their hands. In succession followed a great number of ecclesiastical ministers; such as notaries, commissaries, and qualificators, all bearing the same insignia, and mounted on mules

* Rodrigo Ruiz de Zepeda, *Relacion del Auto de la Fe celebrado en México*, a 19 de Nov. de 1659.

† *Regimento do Santo Officio*, lib. ii. tit. xxii. n. 9.

with black trappings. Behind them went the corporation of Madrid, preceded by the mayor and followed by the fiscal-proctor of the tribunal of Toledo, who carried the standard of the faith of red damask with the arms of the Inquisition and of the king, accompanied by the proctor of the Royal Council and the oldest groom of the household. Next came the inquisitors of the tribunals of Toledo and Madrid, paired off with the king's grooms, and afterwards the Supreme Council of the Inquisition accompanied by the Royal Council and Board of Castile. Lastly came the Inquisitor General, placed on the right hand of the president of the council, an office at that time filled by the bishop of Avila. The Inquisitor General was dressed in a camail and mantelet, and seated on a superb bay horse with purple saddle and housings, ornamented with ribbons and fringe of the same colour, and attended by twelve servants in livery. He was accompanied by an escort of fifty halberdiers dressed in black satin with silver galloons and lace, white and black feathers in their hats, and commanded by the Marquis de Pobar as protector of the Inquisition of Toledo; who, making up for that rich show

and parade which was unfit for the situation of the Inquisitor General, was mounted on a grey horse, wearing a saddle of massive silver with white and green furniture conformable to his livery. He was clothed in a suit of black silk embroidered in silver, with diamond buttons, cockade, and insignia, and attended by eighteen livery servants. The whole of the procession was closed with the state sedan-chair and coach belonging to the Inquisitor General, together with other coaches in which were his chaplains and pages. "This triumphant procession," says Olmo, "was performed with wonderful silence; and though all the houses, squares, and streets, were crowded by an immense concourse of people drawn together from a motive of pious curiosity, scarcely one voice was heard louder than another."* Vide Plate VIII.

The stage had been erected on the side of the large square, facing the east, being one hundred and ninety feet in length, one hundred in breadth, and thirteen in height, forming a parallelogram with a surface of nineteen thousand square feet. The ascent to the stage was by two spacious flights of

* Olmo, n. 154.

steps, placed in front at the two extremities. On the two sides, and facing each other, were constructed two flights of seats, of a length equal to the width of the stage,—the upper ones being nearly on a level with the second story of the houses of the square. The royal family occupied the centre angle of the theatre, and saw the whole ceremony from a balcony of one of the principal houses; and the attendants belonging to the palace, together with the ambassadors of foreign powers, were seated in the contiguous ones. On the flight of seats situated to the right of the king the constituted authorities took their places; viz. the corporation of Madrid with several grandees and titled characters; the councils; and, on the highest part, the Inquisitor General on a throne. The raised seats on the left were appropriated to the prisoners, who occupied the highest in proportion as their crimes were most grievous. In Mexico this part of the stage was usually semi-circular, so as to form a more showy appearance, and rising in the form of a cupola or half-moon.* On

* This appears from the account given of the auto of 1596, by Fray Juan de Torquemada, in his *Monarquía Indiana*, lib. xix. cap. xxix.—The same was also practised

the plane of the stage, a small distance from the centre, near the seats occupied by the tribunal and facing that of the king, an altar had been constructed with a pulpit on the Gospel side, leaving room for two inclosed areas which were formed by balustrades placed one before the other. In that nearest his majesty the royal guard was posted; and in the furthest one, ranging aside the altar, were seated the families of the inquisitors; and those who could not find room there were accommodated on other benches placed under the breast-work, which ran from one stair-case to the other, and crowned the whole front of the theatre.

In the open space, ranging in the centre, a raised platform was constructed, and on it two bars, latticed round in the form of tribunes, where the prisoners remained standing whilst the recorders seated at two desks read their sentences to them. The whole was covered with a large awning to break the force of the sun, thus forming in the square a theatre sufficiently large for the convenience of such an immense concourse of people; who, in addition to the stage, occu-

in the auto celebrated in 1649. Vide *Diario de México* of 6th April, 1807.

pied all the balconies of the four fronts of the buildings, as well as the remaining part of the square. Such was the exterior form of the theatre, which was besides adorned with rich carpets and hangings of crimson damask. Vide Plate IX.

In the cavities or hollow parts under the raised seats several apartments were fitted up as prisons, and courts in which the culprits might be heard; and also as rooms intended for the use of the preacher and officiating priest, in case any thing might happen to him during so long a ceremony. Places were likewise prepared as offices and refectory; where refreshments were provided for the inquisitors, as well as the other guests who might wish to partake of them.

“ This grand piece of machinery,” says our historian, “ was finished on Friday the 28th of June, having only been commenced on the preceding 23d.” “ It appeared,” adds he, “ that God moved the hearts of the workmen, so as to overcome the great difficulties which occurred in the execution; a circumstance strongly indicated by sixteen master-builders, with their workmen, tools, and materials, coming in unsolicited to offer their services to the overseer of the works;

and all persevered with such fervent zeal and constancy that, without reserving to themselves the customary hours for rest, and taking only the necessary time for food, they returned to their labour with such joy and delight that, explaining the cause of their ardour, they exclaimed in the following manner: 'Long live the faith of Jesus Christ; all shall be ready at the time prescribed; and, if timber should be wanting, we would gladly take our houses to pieces for a purpose so holy as this.' '* The activity and zeal thus evinced by the people will appear still more astonishing if we reflect, that at no former period had the apathy of the nation been greater, or the decline of the Spanish empire more rapid.

On the arrival of the procession at the theatre the prisoners ascended by the staircase nearest their destined seats; but, before occupying them, they were all paraded round the stage, in order that their Majesties, who were already seated in their balcony, might have the satisfaction of viewing them near. The tribunals and persons invited then proceeded to take their respective seats, and the Inquisitor General ascended his throne. Before the

* Olmo, n. 33 & 34.

commencement of the mass his excellency, clothed in his pontifical robes, approached the balcony of his Majesty, and ascending to it by six steps from the level of the stage, tendered to him the oath usually taken by kings on such occasions. Its form is as follows :

“ Your Majesty swears and promises on your royal faith and word that, as a true Catholic king chosen by the hand of God, you will with all your power defend the Catholic faith which our holy mother the apostolic Church of Rome holds and believes, as well as the preservation and increase thereof; and will persecute, and command to be persecuted, all heretics and apostates opposed to the same; and that you will give, and command to be given, to the Holy Office of the Inquisition, and also to the ministers thereof, all aid and protection, in order that heretics, disturbers of our Christian religion, may be seized and punished conformably to the laws and holy canons, without any omission on the part of your majesty or exception in favour of any person of whatsoever quality he may be,” &c.*

Let it be here observed, that the Inqui-

* Olmo, n. 169.

sition requires of the king that he afford to its ministers all aid and protection, in order that heretics may be seized and punished, not only in conformity to the canons but also agreeably to civil law. Nothing more is said of the ceremony which accompanied the oath on this occasion. In the auto celebrated in Valladolid on the 8th of October, 1559, at which Philip II. was present, the Inquisitor General, an office at that time held by Don Fernando de Valdes, rising up, demanded of the king to continue bestowing his aid on the tribunal in these words: "*Domine adjuva nos*," (Lord, continue to help us) when the King, also in a standing posture, grasped his sword and unsheathed part of it, thus testifying his readiness at all times to aid the tribunal; a pledge which, unfortunately for humanity and without any advantage to religion, he more than faithfully fulfilled.*

Mass being commenced and the Gospel ended, the oldest secretary of the tribunal of Toledo read from the pulpit the form of the oath taken by the mayor of the city of Madrid, as well as by all the people. In

* Diego de Colmenares, *Historia de Segovia*, cap. xlii.
§ iii.

other autos it has likewise been customary to read to the people, translated into Spanish, the bull *Si de protegendis*, issued by Pius V. against those who obstruct the free use of the Inquisition or interfere with its ministers. A sermon was then preached in the gerundian* style by a Dominican friar, qualifier of the Supreme Council of the Inquisition and preacher to the king. The text was taken from the favourite verse of the Inquisition, "*Exurge, Domine, judica causam tuam.*" In the exordium the preacher compares this tribunal, because of judging its culprits in secret and condemning them in public, to that of God in his particular as well as universal judgment. He then inculcated the obligation imposed on kings to defend the faith; and, without establishing any particular point, after lamenting and complaining of the alienation of mind to which human reason is exposed, he proceeded to refute, with trivial arguments, the

* Father Isla wrote a work to ridicule pompous and affected preaching, by exhibiting the life and studies of one of these bombastic pulpit-orators, whom he calls Father Gerund, and hence the above term is taken. Barretti translated the first volume of this work into English.—TR.

doctrines of the Jews, heretics, and Mahometans; for of these three classes were the prisoners on the stage. In his epilogue he felicitated the Spanish monarchy on the purity of its belief, and promising to it abundant prosperity, he ended by the following apostrophe to the tribunal of the Inquisition:

“And thou, oh! most holy Tribunal of the Faith, for boundless ages may'st thou be preserved, so as to keep us firm and pure in the same faith, and promote the punishment of the enemies of God. Of thee can I say what the Holy Spirit said of the Church: *“Pulchra es, amica mea, sicut tabernacula Cedar, et sicut pelles Salomonis.”* (Thou art fair, my love, as the tents of Kedar, as the sightly skins of Solomon.)

“But what parallels, similies, or comparisons are these? What praise, or what heightened contrast, can that be which compares a delicate female, an unequalled beauty, to the tents of Kedar and the spotted skins of Solomon? Saint Jerome discovered the mystery, and says, that the people of Kedar being fond of the chase therein took great delight; and, for this purpose, had always their tents pitched in the field; on which,

in order to prove the valour of their arms, they spread the skins of the animals killed in the chase, and hung up the heads of the wild beasts they had slain. And the said people of Kedar were so proud and boastful of these their trophies that they prized them as their greatest ornaments; this was the greatest beauty of their tents, to this the Holy Spirit compares the beauty of the Church, and this is also to-day the glory of the holy Tribunal of the Faith of Toledo: *Sicut tabernacula Cedar, sicut pelles Salomonis*. To have killed these horrid wild-beasts and enemies of God whom we now behold on this theatre, some by taking life from their errors, reconciling them to our holy faith, and inspiring them with contrition for their faults; others by condemning them through their obduracy to the flames, (here the orator openly and without any disguise confesses that the Inquisition condemns to the flames) where, losing their corporeal lives, their obstinate souls will immediately go to burn in hell; by this means God will be avenged of his greatest enemies, dread will follow these examples, the Holy Tribunal will remain triumphant, and we ourselves more strongly confirmed and rooted in the faith; which, accompanied by grace

and good works, will be the surest pledge of glory," &c.*

The above extract will be sufficient to convey an idea of the rantings of this extravagant piece, and at the same time to manifest the spirit of the tribunal in the words of its own orator. In it may chiefly be seen the ostentatious language adopted and the disdain with which the culprits are treated. The tribunal was well aware that no one of them, even of those who were without gags on their mouths, would have dared to make answer; or at least that he would soon have been silenced had he ventured so far. Such a string of incoherences, nevertheless, deserved a refutation similar to the one drawn up for another sermon preached by the archbishop of Cranganor at the auto of the faith celebrated at Lisbon, in the year 1705, when several Jews were brought forth. This refutation was composed by a Jewish writer from a place where he was no longer exposed to danger. In it, after inserting the sermon in its original Portuguese, and remarking the petulant tone in which it is written, he demonstrates the groundless charge alleged against them of having adulterated the

* *Orig.* n. 137.

Scriptures, the little knowledge of Hebrew literature usually possessed by those Christians who, from their state and character, ought not to be ignorant of it; and the unfair manner in which they distort various passages of the said Scriptures, as well as various sentences of the Rabbins, and then adds: "I appeal to the learned and unprejudiced men living in countries wherein it is not necessary to circumscribe one's ideas to a set of ignorant inquisitors, and ask whether such language is not more befitting to a theatre than a pulpit? They call us blind because we refuse to submit our reason to an ill-founded allegory; yet what ought those people to be called who take part of a chapter or verse without noticing the other part which exhibits the genuine sense? Does the preacher conceive that he can thus produce conviction in the mind of any Jew? far from it, he fortifies him in his belief. But instead of our acting as the Inquisition does, which prohibits all works tending to attack the Catholic religion, we reprint those written against ours; and we explain them to our children, in order that they may be satisfied of the truth of our reasons and the fallacy of the others, and see to what

a number of artifices they are obliged to recur." *

As soon as the sermon was ended they proceeded to the reading of the trials and sentences, beginning with those which had the greatest weight of guilt, viz. the persons who had been condemned to die. The sentences were read at full length; but the parts of the accusations containing least interest were suppressed. This part of the ceremony, during which one man and a woman were converted, was not concluded till four in the afternoon; when those condemned to death were delivered over to the civil magistrates; and, whilst the latter proceeded on to the place of execution and met their final end, the reading of the proceedings continued, as well as the abjurations of those who had been reconciled. The description of the Mexico auto of the faith exhibits in a practical case the ceremony by which deceased ecclesiastics are degraded,

* *Respuesta al Sermon predicado por el Arzobispo de Cranganor en el Auto de Fe celebrado en Lisboa en 6 de Setiembre de 1705, por el Autor de las Noticias recónditas de la Inquisicion.* The place where the work was published is not mentioned, but it appears to have been in London.

and is in the following words: "What moved most pity and compassion was the unhappy case of the priest Don José Bruñon de Vertiz, (guilty of various heresies, he having died in the prison in a state of impenitence) whose effigy, the sentence being read, was stripped of its clerical robes by the oldest curate of the cathedral, Don Jacinto de la Serna, and afterwards clothed in a secular dress. He then cast it to the ground and kicked it, as one deprived of so holy a state. The ministers of civil justice then placed on the effigy all the insignias of one condemned, in order to deliver it over, together with the corresponding bones, to the flames.

The mass, though not sung, lasted till half past nine at night, and with it ended the grand exhibition of the large square; when those who had been absolved returned to the prisons of the Inquisition. I conceive it to be understood that the stage was illuminated whenever night came on before the tribunal had ended the procession of the green cross, or whilst the mass of the auto of the faith was performing. In Mexico the cross arriving just at the approach of night, the latter, according to the description, was converted into the most clear day, through

the number of torches and other lights blazing in such abundance that the theatre presented the appearance of a starry heaven. The patient constancy with which Charles II. assisted at the above celebration of the auto is really astonishing; for, though the ceremony was so extremely long, he never quitted the balcony once, not even to partake of any refreshment; nay the time appeared to him so short that, when all was over, he asked if any thing remained to be performed, and whether he should return.

With regard to the preparations made by the inquisitors for refreshments, the above author adds, "that as the auto de fe was to last the whole day, and was expected to be extremely laborious and fatiguing to the ministers of this holy tribunal, in consequence of its length, it was arranged, in case any one assisting at the ceremony should require nourishment or refreshment during such a number of hours and the oppressive heat of the sun, that commissaries should be named to provide food and drink for the officers and ministers of the holy office who had come from afar, as well as for the congregations of Madrid and Toledo, and the other persons employed on that day in the ceremony.

This was done with such care and prudence that not only sufficient refreshment was provided for the ministers, but also for every one else. The treasurers of the Inquisition, and proportionably the ministers of the congregation of St. Peter, contributed liberally towards so considerable an expense.”* The banquet given by the Viceroy at the auto of Mexico, in the year 1659, was not less splendid and costly.

The prisoners personally condemned to death amounted to nineteen ; thirteen men and six women, principally of the Jewish persuasion. They were conducted to the gate of Fuencarral mounted on mules with packsaddles, preceded by thirty-two effigies, two being left behind belonging to reconciled persons who had died in prison. Of those personally condemned for execution, eleven were impenitents ; viz. eight obdurate, and three convicted but refusing to confess ; of whom five were converted on the road, so that six were burnt alive in addition to thirteen who had been previously hung.

The burning place was sixty feet square and seven high ; and consequently sufficiently

* Olmo, n. 18.

capacious when twenty stakes with their corresponding rings had been fixed thereon, conformably to the orders given by the inquisitors to the civil magistrates for adequate justice to be done. Some were previously strangled, and the others at once thrown into the fire, "without its being necessary," as Olmo observes, "to excite horror or recur to violence by making use of any other more improper and bloody process." This is, if I understand right, that it was not necessary for the officers to cast them into the flames. Nevertheless the executioners, impelled by their indiscreet zeal for the faith, attempted to exceed their orders with regard to some of the malefactors; but the latter denied them this satisfaction by throwing themselves of their own accord into the flames. Our historian, adverting to this incident, and well aware how much the Inquisition, or at least religion, must have been foiled by such an occurrence, thus expresses himself: "Unwary persons may perhaps be staggered at some of the prisoners throwing themselves into the fire, as if true valour was the same as a foolish brutality and culpable disregard of life, followed by eternal condemnation."* More objections

* Olmo, n. 191.

arise on this subject than would easily be discovered at first sight; but of this we shall speak in another place. (Vide Plate X.)

The ministers then cast the bodies of those who had been hung into the fire, together with the effigies and bones of the deceased, adding more fuel till all was converted into ashes; which was about nine in the morning. It may be most necessary to advert, that the death of the prisoners was officially witnessed by one of the secretaries of the tribunal, in order to certify to their execution.* Two days afterwards six of those who had been condemned to do penance were flogged. Among them was one woman; and another was held up to public shame.

Such was the form and solemnity of this auto de fe, the largest and most splendid ever known, if we consider the concurrence of circumstances which attended it; such as the great number of prisoners and the variety of their punishments, as well as its having been presided over by three tribunals of the Inquisition; one of which was the Supreme Council, together with the Inquisitor General; and attended by all the king's court and grandees. Such, in short, has been the

* Olmo, n. 147.

method observed by this tribunal in the exercise of its judicature; and it only remains for me to add, as I have already noticed, that the prisoners not conducted to the stake have an oath imposed upon them, and are placed under excommunication and other arbitrary restrictions to observe an eternal silence respecting every thing that has happened, or that they may have seen or heard during their imprisonment.* I ought also to add, that the houses wherein dogmatisers have held their meetings are pulled down to the ground.† This was done in

* *Compilacion de Instrucciones*, n. 59.—*Orden de Proceso*, fol. 37.

† *Constitutiones Innocenti IV. contra hæreticos*, inserted by Eymeric in his Directory, towards the end.—A tribunal so monstrous as the Inquisition has always been could not escape the penetration of the immortal author of *Don Quixote*, nor was it possible for him to abstain from employing some of his labours in order to hold it up to ridicule. Thus do we find him impugning this establishment, not in a slight and hasty manner, but at considerable length and in his usual tone; and though I am not aware of any one having before pointed out this coincidence, I hope there is no one who, comparing the description given by him with the one just sketched, will fail to be convinced of the truth of my observation. As beyond doubt this was the most interesting, though at the same time the most dangerous point of all those which

Valladolid with the dwelling of Agustin Cazalla, a canon of Salamanca and preacher

form the objects of his criticism, he was induced to reserve it for the last part of his labours, where it might serve, if we may be allowed the expression, as a species of finish ; since, by placing it there, the favourable reception the first part of his work had received from the public might diminish the danger to which he would otherwise be exposed. Cervantes (part ii. chap. lxii.) referring to the enchanted head in possession of Don Antonio Moreno of Barcelona, at that time Don Quixote's host, commences by pointing out the ignorance of the Inquisitors, whom he expressly names, and describes as being possessed of the same credulity as the common people themselves, though apparently indicating the reverse, since it became necessary for Don Antonio to explain the secret of the whole machinery, in order to prevent the consequences of an information being lodged against him. The text is thus : " It was divulged all over the city that Don Antonio kept an enchanted head in his house, which answered to every one who interrogated it, and fearing least it should come to the ears of the watchful centinels of our faith, on explaining the whole mystery to the gentlemen of the Inquisition, they ordered him to break it in pieces and not suffer it to be used any more, for fear the ignorant vulgar should be scandalized."

After this pointed remark, our author proceeds to consider the tribunal of the Inquisition in itself, commencing by its exterior parade, such as the unexpected and silent arrest of the culprits represented in that of Don Quixote and Sancho by the servants of the Duke ; also the auto de fe under the allegory of the feigned funeral of Altisidora, one of his damsels, and which was celebrated in the court :

to Charles V., who was burnt for being a Lutheran; and also in Coimbra with the house

yard of the Duke's house; this being an adventure that may be considered as the most curious and important of any contained in his history, in consequence of the abuses therein criticised being at the same time the greatest. This arrest is thus described in chap. lxxviii.: "At the decline of afternoon they (Don Quixote and his Squire) discovered as many as ten men on horseback and four or five on foot, advancing towards them. Don Quixote's heart was struck with surprise, and Sancho's with fear, for the party coming up bore lances and targets, and proceeded onwards in very warlike array. * * * The horsemen came up, and couching their lances, without speaking a single word surrounded Don Quixote and presented their arms to his back and breast, threatening to kill him. One of those on foot, putting his finger on his mouth as a signal for him to be silent, seized hold on Rozinante's bridle, and drew him out of the road, the others on foot driving Sancho and Dapple before them; when all keeping a marvellous silence followed the steps of the conductor of Don Quixote, who several times had a mind to ask whither they were carrying him, or what they wanted; but no sooner did he begin to move his lips than they threatened to close them with their weapons, and the same also befel Sancho."

He then proceeds to display the very same idea that the Inquisition practically manifests in the manner of effecting its arrests, which is, to treat all prisoners as it would monsters of iniquity whose crimes were completely proved. "The night closed," he says, "they mended their pace, and the prisoners' fears increased the more

of Antonio Homem, canon of the cathedral church and professor of the canon-law in the

when they heard their keepers from time to time call out to them: Get on, ye Troglodytes; hold your peace, Barbarians; endure, ye Anthropophagi; complain not, ye Scythians; open not your eyes, ye murdering Polyphemuses, ye butcherly lions; and other such names as these, with which they tormented the ears of the miserable master and man. Sancho went along saying to himself, I do not like these names at all, this is winnowing our corn by a bad wind indeed; all our ills come upon us together, like kicks to a cur; and would to God what this unfortunate adventure threatens may end in no worse fare! Don Quixote went along wrapt up in astonishment, unable to conjecture, however he reasoned with himself, what could be the meaning of all these names, from which he was only able to conclude, that no good was to be expected, but much harm to be feared."—He in fact expresses how dreadful this tribunal is for him who falls into its hands, notwithstanding the epithets of Holy, and the other vain and outward forms it seeks to affect. He then says, "Near an hour after night-fall they arrived at a castle, which Don Quixote soon knew was the Duke's, where he had so lately been. God help me, says he, as soon as he recognised the place, what can be the meaning of this? Most assuredly in this house, all is courtesy and good usage; but to the vanquished, good is turned into evil, and bad into worse."

He then passes on to describe the auto de fe, (chap. lxix.) first portraying the entry of the prisoners with their escort into the main square. "The horsemen alighted, and aided by those on foot, taking Sancho and

university of that city, who was burnt on account of practising Jewish rites; and

Don Quixote bodily and forcibly up, they carried them into the court-yard, round which were burning nearly an hundred torches placed in stands, and more than five hundred lights about the galleries of the court, insomuch, that in spite of the night which had rather a dark appearance, the want of day was hardly felt." He then proceeds to describe the order and appearance of the square, the distribution of seats for those who attended the auto, delineating before all, and as a principal object, the altar of the green cross, in the following words: "In the middle of the court was raised a tomb about two yards above the ground, covered all over with a large canopy of black velvet, round which, on its steps, were burning tapers of white wax in more than an hundred silver candlesticks; and on the top of the tomb was seen the corpse of so beautiful a damsel, that her beauty made death itself appear beautiful, &c." He then describes the place which the tribunal occupied, with all the appendages of royalty, together with the magistrates in attendance. "On one side of the court was placed a theatre, with two chairs, on which were seated two personages, (whom, as we shall afterwards find, were the two judges of the infernal regions, Minos and Rhadamanthus) who by the crowns they had on their heads and sceptres in their hands, gave signs of being kings, either real or feigned. * * * Two great personages, with a numerous attendance, next ascended the theatre, whom Don Quixote presently knew to be the Duke and Duchess, his late hosts, and they took their seats in two richly ornamented chairs, near to those who had the appearance of kings."

near both inscriptions were affixed, which still subsist,

He likewise depicts the raised seats occupied by the culprits, the dress in which the inquisitors bring them forth; as well as the harshness with which they are treated when they do not conduct themselves with due submission.—“On the (opposite) side of the theatre, to which the ascent was by steps, stood two other chairs, on which those who brought in the prisoners placed Don Quixote and Sancho. All this was done with profound silence, and the prisoners were given to understand that they were in like manner to hold their tongues. * * *. At this juncture an officer crossed the stage, and coming up to Sancho, threw over him a garment of black buckram, painted all over with flames of fire, and taking off his cap, placed on his head a *carroza* or tall pasteboard mitre, after the fashion of those worn by persons condemned to do penance by the Holy Office, bidding him in his ear not to unsew his lips, for if he did they would clap a gag in his mouth, or kill him.” The criticism that next follows is converted into open satire, levelled at the cruel sport which, added to terror, the Inquisition excites in the people, by presenting to them the hapless culprits in ludicrous dresses covered with puerile hieroglyphics, whilst they are led to the place of execution or condemned to a painful state of suffering.—“Sancho viewed himself from top to toe, he saw himself blazing in flames, but as they did not burn him he did not care a farthing. He took off his mitre, saw it painted all over with devils; he put it on again saying within himself, It’s well enough yet, for those neither burn me, nor these carry me away. Don Quixote also surveyed himself all over, and though fear had

It is high time for us to examine the value attached to the protest, deprecation,

suspended his senses, he could not help smiling at seeing Sancho's figure." In order to complete the picture he likewise alludes to the mass and sermon.—"And now, seemingly from under the tomb, issued a low and pleasing sound of flutes, which not being interrupted by any human voice, for Silence herself kept silence there, the music sounded both soft and amorous. Then on a sudden, and near the cushion of the seemingly dead body, appeared a beautiful youth, clothed in a Roman habit, who, to the sound of a harp played by himself, in a most sweet and clear voice sung the two following stanzas."

So far Cervantes has considered the Inquisition according to its outward appearances: in what follows he contemplates its object, and censures the great contrariety so remarkable in the means it employs to attain its ends. This defect is the most glaring in the torments administered, since by these it wrests confession from the culprits, under a belief that the faith would thus revive in them. He proceeds in these terms: "One of the supposed kings then exclaimed, Oh Rhadamanthus! who with me judgest in the dark caverns of Pluto, since thou knowest all that is determined in the inscrutable destinies of fate about this damsel returning to life, speak, and declare it instantly, that the happiness we expect from her revival may not be delayed. Scarcely had Minos, judge and companion of Rhadamanthus, spoken these words, when Rhadamanthus rising up, said: Come on ye officers of this household, high and low, great and small, repair here one after another and fillip Sancho's face with four-and-twenty twitches, and his arms and sides with twelve pinches and

or whatever else it may be called, which the inquisitors make on delivering the prisoners

six pricks of a pin, for in the performance of this ceremony consists the restoration of Altisidora. On hearing this Sancho Panza broke silence and said: I vow to God I will no more let my face be filliped, or my flesh handled, than I'll turn Turk. Body of me! what has handling my face to do with the resurrection of this damsel! * * * Altisidora dies of some disorder God pleased to send her, and she is now to be brought to life again by giving me four-and-twenty twitches, by turning my body into a pin-cushion, and pinching my arms black and blue." After this he points out the despotic tone with which the inquisitors check those who reproach them for their falsity of opinions, or the inconsistencies of their mode of judicial process.—"Thou shalt die then, cried Rhadamanthus, in a loud voice; relent, tiger; humble thyself, thou proud Nimrod; endure and be silent, for no impossibilities are demanded of thee, and do not meddle thyself in examining the difficulties of this business. Thou shalt be twitched, thou shalt see thyself pricked, and thou shalt groan under thy pinches. Come on then, I say, officers, comply with my commands; if not, on the faith of an honest man, you shall see what you were born to."

Cervantes afterwards laughs at the fatuity of the judges themselves, and others of their class, who, when the culprit, in despair and worn out with sufferings, in order to rid himself of their importunities and ill-treatment confesses himself guilty, rejoice among each other the same as if they had really obtained his conversion. These are his words: "What he (Sancho) could not bear was the pricking of the pins, and so up he started from his seat,

over to the civil magistracy for execution. I am not ignorant that, after the discipline

peevish with being fated, and seizing hold of a lighted torch that was near him, he laid about his executioners, saying, Avaunt, ye infernal ministers, for I am not made of brass to be insensible to such extraordinary torments. Upon this Altisidora, who could not help being tired with lying so long on her back, turned over on her side, which the by-standers perceiving, almost all with one voice cried out—Altisidora is alive! Altisidora lives! &c.” He then speaks of the lashes to which those were usually condemned who escaped from the flames by means of a forced confession.—“As soon as Don Quixote saw Altisidora stir he went and knelt down before Sancho, saying to him: Now is the time, dear son of my bowels rather than my squire, to give thyself some of those lashes to which thou standest pledged, in order to procure the disenchantment of Dulcinea. This, I repeat, is the time, now that thy virtue is seasoned and efficacious enough to operate the good expected from thee. To which Sancho answered: This seems to me to be reel upon reel, and not honey upon fritters. It would be well enough that after twitches, pinches, and pin-prickings, lashes were also to follow. You have nothing more to do than to take a large stone, tie it round my neck, and at once fling me into a well. &c.” Following up the same strain, our author next turns his attention to the imaginary triumphs of the Inquisition, and in a tone of ridicule he observes: “By this time Altisidora had seated herself upright on the tomb, and at the same instant the trumpets sounded, accompanied by flutes, and the voices of all cried aloud, long live Altisidora! long live Altisidora! &c.” He

of the church had declined, custom retained certain formalities by which, if its ancient

then concludes by alluding to the *sanbenitos* or penitential garments, with which, like so many spoils, the Inquisition has decorated the temples. "The Duke ordered it to be taken off him (the penitential mitre from Sancho), his cap to be returned, and that they should put on him his own doublet, instead of the garment of flames. Sancho requested the Duke to allow him to keep the mitre and frock, as he was desirous of carrying them home to his own country, in token and memory of so unheard of an adventure."

It is therefore no longer dubious that in the above part of his work Cervantes writes a complete, and not very disguised, satire on the proceedings of the Inquisition. It is not possible for his intention to have been any other, when, in spite of the terror its name inspires, he thence derives the idea of a farce, (for this fable deserves no better a name) the leading parts of which are performed by two as ridiculous personages, as the most playful imagination could possibly invent. But our incomparable writer is not even content with these jeers; he still carries them on as far as his waggishness could venture. Thus does he make Sancho (chap. lxxiii.), after rigging out his ass with the *sanbenito* and *coroza*, or the penitential garments he had hoarded up from the Duke's, enter into his native village quite proud, and bearing as it were in triumph what the Inquisition calls its trophies.—"They (Don Quixote and Sancho) proceeded on their way, and at the entrance of the village, on a little lawn, they met the curate and bachelor Carrasco, reciting their prayers. Now be it known that Sancho Panza had thrown over Dapple and over his

rigour is not maintained, appearances are at least saved. But on this account it would

bundle of arms, instead of a sumpter-cloth, the buckram tunic painted with flames of fire, which he had worn at the Duke's castle the night of Altisidora's revival. He likewise fixed the mitre on Dapple's head; insomuch that never was an ass so well metamorphosed and adorned before. They were soon recognised both by the curate and bachelor, who met them with open arms. Don Quixote alighted and embraced them closely; and the boys, who are like lynxes and never behind-hand, spied the ass's mitre, and flocked to view him, saying to one another, Come, boys, and you shall see Sancho Panza's ass finer than Mingo, and Don Quixote's beast leaner now than ever." I do not see what more could be said or desired. If, notwithstanding all this, any one should deny that Cervantes intended to criticise the Inquisition, it would also be necessary for him to deny that the "History of Don Quixote" contains any burlesque whatever; in which case, contrary to the great and merited reputation it has acquired, this work would be equally as devoid of meaning as those of chivalry therein satirized. It is consequently undeniable that he impugns the Inquisition, by thus drawing its picture, as he flatters himself, (in chap. lxx.) "with all its paraphernalia, so well and so like life, that there is but little difference between that and the truth." It is besides clear, that he takes particular pains to represent the inquisitors, amidst their studied gravity and parade, as ignorant and despicable as the culprits could wish, by introducing for this purpose Cid Hamete Benengeli, whom he considers as the first historian of Don Quixote, and who affirms, "that in his opinion, the mockers were as mad the mocked."

not be the less absurd to pretend that this supplies the place of the efficacious intercession of the ancient bishops in favour of condemned persons; or that the want of lenity is atoned by a sterile or rather irrisorious deprecation like that of the inquisitors. Besides being ridiculous, it is also fruitless; since, being directed to a magistrate who has no power to deviate from the law by a tribunal awing and threatening him if he does not comply therewith, it is, properly speak-

To what has been already said we have only to add one short observation, which strongly confirms all we have here established. This is, that Cervantes was possibly induced to satirise the tribunal of the Inquisition, owing to the vanity of a dull competitor he had in Avelaneda to whom he pointedly alludes in his prologue, (part ii.) and boastingly tells us was a minister of the Holy Office; undoubtedly for no other purpose than by way of a jibe. For this reason our author, who in other parts of his work appears peevish with the Inquisition, at the conclusion covers it with ridicule, either by treating the establishment with contempt, or causing Altisidora, from the funeral monument on which she was laid, to behold the devil in the infernal regions playing at tennis with the said minister's book. Thus do we find Cervantes taking leave of his own work by proclaiming his victory over the Inquisition, as one of the greatest abuses he had attempted to criticise; and over its minister above named, as the most envious and fastidious of all his enemies.

ing, a wicked mockery of the culprit and an insult to suffering humanity. We may even add more. The inquisitors cannot sincerely intercede for a convict without acting contrary to the canons, which under the penalty of excommunication, as well as of all other censures within their reach, urge that heretics should be soon and unavoidably punished. Innocent IV. in the short space of three years, from 1252 to 1255, issued six bulls commanding the inquisitors to watch over the exact observance of the edict of Frederick II. which imposes capital punishment on heretics, inserting it entire in one of his own decrees, in order that no one might plead ignorance as an excuse. And, as if the cruel intolerance of the Roman see was not sufficiently known by such repeated regulations, the same was afterwards inculcated under similar penalties by Alexander IV. in 1258, Clement IV. in 1263, and Innocent VIII. in 1486.*

Besides this, let the form under which the convicts are delivered over to the civil magistrate be what it may, it is the intention of the Inquisition to command that they should

* " *Litteræ Apostolicæ pro Officio S. Inquisitionis*," placed at the end of the Directory of Eymeric.

be executed without delay, as may be seen not only from the oath it exacts of kings amidst the solemnities of an auto de fe, but also by that tendered to the magistrates of every city and town where the tribunal is instituted. It is as follows: "We swear and bind ourselves that, whenever we shall be commanded by you the said inquisitors, or any of you, to execute any sentence or sentences against the persons of the said (heretics and their believers, receivers, and abettors) without any delay we will do and comply with the same in the way and manner prescribed by the sacred canons, and the laws which treat on this subject." *

It ought not however to be supposed that this exaction of an oath is reduced to a simple mandate; it besides implies the threat of a penalty equal to what is suffered by those who impede the free exercise of the tribunal. This may be seen by the following regulation contained in the ordinances of the Portuguese Inquisition: "If any person, of whatsoever rank or pre-eminence he may be, should make any statute, decree, or constitution, obstructing the jurisdiction of the Holy Office the inquisitors shall oblige him, by

* Orden de Proccesar, fol. 74.

means of ecclesiastical censures, to revoke the same; which if he should refuse to do, they shall proceed against him as an impeder of the ministry of this tribunal, and condemn him to the penalties imposed by the apostolical briefs. They shall, in like manner, proceed against such ministers of justice as refuse to execute the sentences of those condemned by the Holy Office, in conformity to the brief of Leo X." * On the other hand, the inquisitors, as we have already shown, send one of their secretaries to accompany the convicts to the burning-place, in order to promote the execution of the sentence by means of their presence. What then can be the meaning of this deprecation used by the

* *Regimento do Santo Officio do anno 1640, lib. iii. tit. xxi. n. 5 e 6.* "Fazendo alguma pessoa de qualquer estado e preeminencia que seja estatuto, decreto ou constituição que impida a jurisdicção do Santo Officio, os inquisidores a obrigarão com censuras a que os revoque, e não o querendo fazer, se procederá contra ella como contra impediente do ministerio do Santo Officio, e será condemnada nas penas impostas neste cazo pelos breves apostolicos. E bem assi se procederá contra os ministros de justiça que não quizerem dar a execução as sentenças dos condenados pelo Santo Officio segun a forma do breve de Leão X."

inquisitors? What can be its object, unless it is to cover this relaxation from ancient discipline, as well as this theological deception, with an hypocritical and mean disguise? Is this in reality any thing else than to turn the meekness of the Gospel into a farcical virtue? Let the friends of the Inquisition explain what hypocrisy is, if this does not deserve the name.

It was natural to expect that so absurd a practice would not remain unnoticed, or fail to become an object of reproach against the Catholic church on the part of the Protestants, ever ready to stickle at her defects. Hence therefore do they derive an argument which, our own celebrated writer Alphonso de Castro, archbishop-elect of Santiago and one of the fathers of the Council of Trent, upholding the penalty of delivery over to the civil magistrate as just, endeavours to refute. "The Lutherans pretend," says he, "that the bishops and inquisitors, by delivering up culprits to the civil magistrate, act like the priests of the Jews, who, being the real cause of the death of our Saviour, answered Pilate, when urging them to judge him according to their own law, that this did not allow them to kill any one." This is

in substance the objection which the above author pretends to satisfy in the following words: "Blinded by a spirit of opposition and malignity, the Protestants are deceived in this as well as in other points. The Pharisees and priests of the Synagogue killed Christ by their tongues when they were unable to do it with their hands, bringing upon him death in a thousand forms. The ecclesiastical judges however proceed in a very different manner; for, after condemning the heretic, they declare him no longer subject to their jurisdiction, since by his crime he had separated from the Church, and become subject to the lay power alone. Besides, when they deliver him over to the secular arm they do not demand that his life be taken away, nor affirm that he is guilty of death; so that, if the magistrate were to refuse to take his life away, they do not on this account oblige, or in any manner solicit, him to do it; but, on the contrary, they beseech him not to punish the victim with the penalty of blood. And, as this is most certain and notorious to the whole Christian world, it is astonishing that the assurance and unbridled calumny of the Lutherans should reach to such a pitch as to compare

Catholic priests to those of the Jews, when the difference between them could not possibly be greater." *

No one, however prejudiced he may be in favour of the Inquisition, will be satisfied with this answer, or consider the difficulty as overcome; since, besides the inaccuracy with which this author explains himself, and the little knowledge he manifests respecting the usages of the tribunal, it is evident that he never once took into consideration the decrees of the popes already quoted. Not that I here wish to confirm the comparison above made between the protest of the Inquisitors and the criminal conduct of the priests who promoted the death of Christ in the tribunal of Pilate: I am fully aware that such a proposition constitutes one of the articles of John Huss, condemned by the Council of Constance; with whose decision I am the more ready to accord, inasmuch as I have already asserted that in the Inquisition all the judges have not been indistinctly bad. Nevertheless I must candidly insist that the argumentative reasons with which I proved the frivolity and hypocrisy of the deprecation

* Alfonso de Castro, *De justa hæreticorum punit.* lib. ii. cap. xiii.

above alluded to are still the same, and retain their whole force and vigour.*

* The xiv. article of John Huss contains these words :
" Doctores ponentes, quod aliquis per censuram emendandus, si corrigi noluerit, judicio sæculari est tradendus, pro certo sequuntur in hoc Pontifices, Scribas, et Phariseos, qui Christum nolentem eis obedire in omnibus, dicentes : Nobis non licet interficere quemquam, ipsum sæculari judicio tradiderunt, eo quod tales sunt homicidæ graviiores quam Pilatus." Sess. xv. There can be no doubt that this proposition, in the terms in which it is conceived, contains an error. If Alphonso de Castro, notwithstanding his great science and his treating the subject in a masterly manner as well as at full length, was so unsuccessful in conciliating the delivery up of the culprit made by the inquisitors with the meekness of the gospel, will their modern apologists be able to do it better ? The Journal of Santiago, called *El Sensato*, of 5th Dec. 1811, speaking on this subject, makes use of the following words : " The pseudo-politicians use their utmost exertions, in order to attain their baneful ends. They give the title of tragicomic to the serious act by which the inquisitors deliver over the culprit to the secular arm, and in which they protest they do not seek or demand his life, but ask that all possible indulgence may be used with him. This protest or deprecation, although it is not sufficiently efficacious to absolve him from the penalty of death, at least suffices to manifest the most pious intention of the Church, which has always refused to hold any influence in matters of blood. But the object of modern innovators is to deceive the common people by invectives and calumnies, for the purpose of introducing novelties, and abolishing

In conformity to this truth, which, in my opinion, is placed beyond all doubt, before

useful and pious establishments." Who it is that seeks to deceive the multitude, or who rather labours to enlighten them, will readily be acknowledged by every one sensible of the difference between merely talking and presenting irrefragable proofs for the examination of truth, which must be deemed the only way of judging right. The author of the Impartial Report respecting the tribunal of the Inquisition, (*Dictamen Imparcial acerca del Tribunal de la Inquisicion*) assures us on his word that the protest alluded to is sincere, and that to suspect the contrary would, in his opinion, be rashness. So great is the confidence with which this assertion is made, as well as the impartiality of which its author boasts, that it would be impossible to disbelieve him, if we were not furnished with strong demonstrations founded on facts so positive, and authorities so entirely conclusive, that they can neither be denied nor questioned.

The author of the Vindication of the Inquisition is not more successful in his explanations than the two preceding. "It is a gross and calumnious error," says he, "to suppose that the tribunal is the executor of the terrible punishment of death and burning inflicted on heretics: it has never decreed or caused it to be executed. It was indeed aware that it irremissibly sent them to endure those tremendous punishments, but what has it done in this particular more than all ecclesiastical tribunals have and ought to do towards those who by the canons are to be cast down, degraded, and delivered over to the secular arm?" That such a surrendry up of the culprit also exists in other ecclesiastical tribunals would argue no

I terminate the present chapter, I wish the reader to observe three particular points. First,—That with regard to the protest made by the inquisitors, on delivering up the culprit to be cast into the flames, their partisans have hitherto made no answer, nor is it in their power to adduce any thing in justification of the fact; consequently, as it is no other than a play of words, the atrocious idea such execution involves ought to

more than that this disorder has not been so peculiar to the Inquisition as to prevent its being equally extended to them. In the beginning it would have been very easy to avoid all this, and it is so even yet. If civil jurisdiction had never been granted to the clergy, which in fact ought to have been the case, as no necessity of their arresting any one would then have existed, so also would they have been spared the sad alternative of delivering over victims to the civil magistrate for execution, and not placed in the awkward predicament of seriously or ridiculously interceding for them. But even pre-supposing this concession, there is still a great disparity between one and the other case. The Inquisition, as I have just testified, positively commands that the culprit shall be executed, and the marshal to whom they are delivered up will take good care to obey its orders, for he is well aware that otherwise, besides being excommunicated, he will himself be immediately arrested and punished for his default, as an abettor of heretics; which certainly does not occur in any other ecclesiastical tribunal whatever.

fall on those pontiffs, as principal agents, who ordained, and next on the inquisitors, as secondary ones, who have executed it. Secondly,—That when it is attempted to combat a prejudice so deeply rooted in the people as is that which favours the Inquisition, he who heartily wishes to understand the subject ought never to trust to any author interested in the duration of the establishment, however great his influence, or the reputation for science and virtue he may enjoy; on the contrary, it would be proper for him to ascertain the point himself, by fathoming the whole matter, and even examining the grounds of the above opinion. Thirdly,—That those who seek palliatives, in order to conceal the ulcers of the Church, far from rendering her any service, rather do her a serious injury, for it is only by discovering and applying to them the necessary remedies that they can be healed.

I conceive that I have now sufficiently proved that the Inquisition, in its relations as a tribunal, as well as in the laws by which it is governed, tramples to the ground the rights of the citizen, by violating in substance and in manner the common rules and principles of justice. A code suggested and

framed by fanaticism and error—a want of learning almost general among the individuals of whom it is composed, accompanied by an omnigenous faculty of committing irregularities—together with the tyrannical oppression with which the innocent man is therein treated when merely indicted for heresy, are all deducible from the premises established, and come in as incontrovertible arguments to prove the truth of my assertion. Busied rather in forming unhappy victims than in extirpating crimes, this institution has spared no pains, however contrary to reason and even to religion, as long as it was able to flatter its pride and feed its ferocity. Secret accusation and calumny encouraged without any regard to friendship or domestic piety; the name of the Supreme Being invoked with the greatest rashness in order to wring from the culprit a confession which must necessarily carry him to the scaffold; mean cavils, perfidious incitements, and even gross falsehood, employed for the same purpose and with the same iniquity,—have all entered into the complicated system of the Inquisition, and constituted its chief essence and delight. Impervious prisons, secured with double bolts

and secluded from all communication; refined and overwhelming torments authorised, and even administered, with unheard-of cruelty, by judges who call themselves the ministers of the God of peace; citizens, who had already paid the debt of nature, insulted in their memory, and their mouldering remnants of mortality dug out to public scorn; whole generations condemned to mendicancy and infamy, even before they had commenced their existence; blazing piles of fagots, enkindled by the breath of implacable vengeance hidden under the parade of charity;—Such have been the component parts which have formed the plan, and such the deeds, of this formidable and bloody tribunal. And can that government be called just or beneficent which suffers the Inquisition to rankle in its bosom?

END OF VOL. I.



